

Supreme Court

In Probate

In the matter of
the Estate of
Charles Kanania
deceased

4th December 1878.

Before

Chief Justice Harris

At Chambers.

Continued from -

Present: C. Brown who appears for

Mr. Preston, Mr. Jones,

Mr. Hole & Mr. Davidson.

The Court asks Counsel which day
they desire to have the hearing for proof
of claims -

All Counsel having agreed, the Court
set the 19th day of December ^{next} at 10 o'clock
A.M. as a day for hearing Proof of new
claims against said estate.

A. Rosa
Deputy Clerk

19th December 1878

Continued from 4th Dec^r

Before Chief Justice Harris

Present: W. L. Jones, Mr. F. Hatch

S. B. Dole, J. M. Davidson, E. Preston

Cecil Brown,

Mr. Hatch requests that this matter be continued until Tuesday next on the ground

that Mr. Castle, his partner, is absent on Hawaii & ~~the~~ he being ^{the} ~~the~~ ^{one} conversant with the Hawaiian language; that he will return by Sunday next.

Mr. Jones states that he is not ready with his witnesses & requests a continuance until Tuesday next.

Mr. Dole for Honolulu, Hahalia & Mahakaiola objects that ~~cannot~~ ^{claims} for Mrs.

Bishop, Lilikalani et al. cannot be heard & assigns as reasons

First: That the Statute under which

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These proceedings were had by section
5- enact that the decree when
recorded is a bar of any action by
parties or privies to the original
proceedings -

Secondly: That it is Res Adjudicata.

Memo. Courts of Probate.

Mr. Preeton for Pahau & Kaana -
intimates ^{that} although the Statute (Sec. 5-) states
that it is a bar to any action &c,
that Notice by advertisement to all
parties concerned is as good as the parties
being served with process of ~~this~~ Court;
that they, in spite of said advertisement,
did not come into Court, elect over
their claim; that they were parties by
the notice & they having allowed the

4.

case to go by, ~~have allowed~~ are to be considered as having allowed judgment by default to be entered against them.

Mr. J. M. Davidson for Pamahoa (new claimant) per contra -

Mr. Preston produces Original Process ^(Pamahoa) she ~~being~~, thereby appearing ^{to have been} a party in the summons & also it appears by the Return of the Marshal that she was personally served with a copy of the Process -

W. C. Jones for Ruth Keelikolani & Lilikalani et al - per contra -

Mr. Hatch per contra -

Mr. Dole answers that notice was more full & explicit than Process itself.

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refers to case of Kuahi v. Bishop -
+ refers to Dwarrio on inconsistency of
enactments: That last is to be taken in
preference to former: That Statute of
1874 is ~~later~~ enactment of two ~~laws~~
statutes -

Mr. Preslin states that Lilikalani sold
his claim to His Majesty for \$1.00
after he had filed his Petition, that
His Majesty was bound to prove this claim;
that Lilikalani's ~~claim~~ is a perjury to this
~~action~~ case + submits that Lilikalani
has no standing in Court.

859 The Court ruled that the claim of
Mrs. Pauahi Bishop is allowed to be heard
+ evidence thereon may ^{be} introduced by Tues-
day next as also that of Loma + Edw. Lilikalani

Mr. Preston notes an appeal ^{also} Mr.
Dole

The Court stated that if the parties
are not ready by Tuesday next, the claims
will be dismissed for want of evidence -

A. Rosa
Deputy Clerk

Continued from } 24th December 1878
19th instant } Before Harris C. J.

At Chambers

Present: Mr. Preston, Messrs. Castle &

Hatch for Mrs Bernice Pauahi
Bishop,

Mr. Jones for Hana & E. Lilikalani -

Mr. Hartwell appears for ~~Kauna~~ -

Dr. J. M. Smith Guardian of Kauna
who was pronounced by the Supreme Court to be
a non-compos.

Mr. Jones states to the Court that he
did not know of ^{any} conveyance from Hana
Lilikalani until after he had filed the
claim; presents claim of David Kalakaua
as Grantor of Hana Lilikalani -

Per Curiam:

The Court did not
see that the alleged Deed of Convey =

ance ^{Hana} from ~~Lilikalani~~ from Lilikalani had
any effect whatsoever in this Court
and that ^{Hana} Lilikalani may go on and
prove her case, irrespective of the Deed.

It appears that the Deed referred is
for love &c

Deed placed amongst the file of papers
in this matter.

3.
Mr. Gaette for Mrs. Bernice Pauahi
Bishop calls

Makua (w) sworn

I knew Olanania well & know
Mrs. Bishop - Her mother was Konia & father
Pahi - Konia's mother was Luahine & her
father was Hooliope, Hao's mother was Luahine's
father & her mother was Hailipakalua,
Hao's mother was Hakan & her father
was Olanania - Helen Heulu was the
father of Hakan & Moana was the
mother, this was the Moana spoken of
in the former suit at ^{Chas.} Olanania's estate.
I heard that ^{the father of} Olanania father of Hao
was Oleana & his wife was Moana
they ^{are} half brother & half sister
She lived first with Oleana & afterwards with
Heulu - This Olanania whose estate

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is now under discussion is a name
sake of the former Kanama father of
Hao. I heard this from Kanamas
folks, amongst the Chiefs & at Napoopoo
had this genealogy from time to time -
I know it well -

X^d by Mr. Jones

There were five Moomas
four children & the father. Ilikiamwana
was a woman; Lonoamwana was a
man, Okapumiamwana was a woman -
& Moana ^{grand -} ^{Chas.} mother of Kanama - She
was the youngest & as far as I know
she was simply a Moana, didn't have
any prefix to her name - they are all
brothers & sisters, ~~Mother~~ Moana grand
mother of Kanama had Kanuha for her

5-

first husband, O'Leawe for her next,
Thukalohu was the child of Moana
& O'Leawe. Kamuha & Moana had a
child Waria by name; Waria had a
child ~~the~~ Nahalan by name, he had
charge of the Royal Mausoleum at
Nuuanu Valley & is now dead - he
~~had~~ died before O. V's death, with-
~~out~~ children, he had a wife whose
name I've forgotten, Waria had no
other children; Kamakani's father was
Kamua but it was another Kamua,
this Kamakani I refer to is not ~~the~~
Kamua ^{the} historian nor Kamakani the
Judge - ~~but~~ I think this Kamakani
has a grand child now Lilikalani by
name - this Kamua father of Kamakani
is related to Kamani thro' Moana -

~~Kamakau who was the grand father~~

Moana cohabited with Oukalohe
 & had this Kamaha father of Kamau-
 kan - Moana lived with Kamaha
 father of Waia & had also a son
 Kamaha by Oukalohe -

Re-Direct:

Oukalohe was ~~also called Kam~~
 the father of Uholo, Moana lived with
 a man Oukalohe & likewise h^d a son
 Oukalohe by name -

Mr. Hartwell presents the Demurrer of J. Mott
 Smith, Guardian of Kaanor to hearing new claims
 for inheritance in this Estate.

The Court overrules the Demurrer.

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Mr. Hartwell gives notice of appeal
 to the Court in banc.

Paalua $\frac{2}{11}$ sworn,

7.

I am well acqtd with Pauahi,
died her parents - her mother was Komia
& Paki the father. The mother of Komia
was Luahine the father was Kaolopu.
Kao was Luahine's ~~not~~ father, Kao's mother
was Hakan & his father was Kanaina-mui.
Heulu was Hakan's father - Hakan lived
with Kanama - Moana grandmother
of C. Komama was mother of Hakan.
Keawe was husb of Moana, & their issue
was Komama. Keawe was first
husb & Heulu 2^d - She lived first with
Keawe & had Komama & aft^r wth
Heulu & had Hakan. I got my
knowledge from Queen Kalama, heard
this often from her, she used to look in
her genealogical books & tell us all abt it.

8.

X^a₁₁ by Mr. Jones -

only I know of
was the one that died up in Heilo -
Manashia^o sworn

I am well acqtd with
Panahi live ⁱⁿ with her & premises now -
Her parents were Itonia^o & Paki^k.
Itonia's parents father was Pauli ^{alias} ~~the~~
Hoolioher - Hao was Luahine's father
Hao lived with Ikin^{li} kapakalua
they were parents of Luahine, Hao's
mother was Hakau & the father Kama-
ina first - Moana was the mother &
Hulu the father of Hakan - Moana^o
& Kame^k were the parents of Kamaia
first - the last Moana was the grand-
mother of Kamaia second -

x^a by Mr. Jones - Kaimama's Book 9.

I know all this from reading
Kalamai's genealogical books - I read
it with my own eyes; ~~heard her~~ I got in
some dispute abt. ~~my~~ my pedigree with
M^r Kalamai in order to convince me she
got the books out & gave them to me -
never heard this from Luahine - Isd
I was related to her thro' Kaleikapuai -
my grandfather being child of
Kamuoikamisonamotau - she told that
_{1 2 3 4 5 6 7 8 9 10}
this last name was right - I looked at
the books & found my ancestors' names
in them - I knew Pualiki first, ^{talked} ~~spoke~~ with
~~him~~ her & lived with her; she never told
me abt. this genealogy - I can read
with spectacles & can write with
some difficulty - (The Books referred

As are produced witness takes pair
of spectacles & proceeds to read -

Lilikhua & Uana wrote Kalama's
books. I was told he did the writing.
Kalama had a big book & these are
copied from that book - I recognize
some of the names - I think that Mr.
O'Leary burnt some of the extracts ~~of~~
from the big book - The book I mean
was the one wh. ^{Albert Kumiaka} ~~he~~ placed before him
at the first trial, I was there & saw
the book given him - I never saw
this book before (Kalama's book) -
The Book I referred to had a newspaper
cover -

70. Papahiki (a) sworn

I am well acquainted with

11.

Mrs. Bernice Pauahi Bishop - know
heard of Moana's genealogy - Pauahi's
mother was Otonia, Otonia's mother
was Luahine, Luahine's father was
Hao & Hao's mother was Hakau who
Olanania first - this Olanania was the
father of Hao. Moana^w & Heul^k were
the parents of Hakau, Keawe^k and Kalani
paubulala lived with Moana the great
Olanania first, this Moana was grand
mother of Chas. Olanania - I saw Otonia
lived with her - ~~was~~ well acqtd with
Luahine - knew Hao, had ~~all~~ ^{of} this
genealogy from Queen Kalama &
also from my parents, heard it often
from Queen Kalama -

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X^d_u by Mr. Jones

I heard Moana had

several husb^ds but didn't know any
 of them - had also ^{that} Oukalohi & Kamuka
 were husb^ds of hers - don't know father
 of that Kamuka - I heard that Lana
 Lilikalani's father was Okaueaha-
 uku - but he was from Hawaii - don't
 know his parents - Kamae's father
 was Okiaweau & the mother I've forgotten
 & Ruth Oulikalani's father was Kua-
 nana & mother Panahi & Panahi's father
 was Hooliohu & the mother I've for-
 gotten - Hooliohu was also called
 Pauli sometimes Okiaweau's father
 was Nalua & the mother I've forgotten -
 Kamaina-mui (first) was related to
 Okepanana, but don't know how -
 Claimant closes her case subject-

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to Rebuttal - and Mr Jones for Homnah
Lilikalani calls
Kaihaapulou - sworn

I was born at
Napoopoo - was born when Kanihona and
had interview with , heard of
Moana but didnt see her - know Hana
& Edw. Lilikalani, also Naihe brother
of Hana - ~~their~~ (Hana & Naihe) Aika
naka lived with Kamai, ~~Hana~~
~~like~~ and had Hana Lilikalani & Naihe
this Aikanaka was ^{the} grand father of
the King dom - Lilikalani ma were
adopted children of Kamakau - as I have
understood it Ikihi was ~~not~~ a friend
of Kamakau ~~& Ikihi was~~ the parents
of Kamakau were Kaikailua & Kekeka
& I have forgotten the father & mother of
Kaikailua, have also forgotten parents of

Hekeia -

Mr Jones states that this ~~best~~ witness
being very sick & being somewhat out of
her mind, he begs to decline to examine
her at present & if she gets better in
time he may call on her again -

~~Pik~~

Pihenui sworn,

I know Hana Lilikalani &

Naihe - their mother was Kepaamakahi
Kauwahuhi was the father —————

I think Hana & Naihe were older than
I am - Naihe died at Napoofess, Kaawaloa -
was a young man, died abt ten yrs
ago or more - Kamakau was the
father of Kauwahuhi & Pamahe was
the mother the father of Kamakau

was Okanaha his mother was
Moana - I have made a mistake -
~~Iukalohu~~ Okanaha was the father
of Kamakau & Iukalohu was Okanaha's father & Moana his mother.
I know Eow. Lilikalani who is at Kauai -
he is the child of Hanai's brother, Hanai's
brother was Okanihomanole who was his
(Eow) father & Kiope was his mother.
Okanihomanole was the last child of
same father & mother as Okanihomanole
lani - ~~I know~~ heard of Okanaha &
Moana & others & knew Okanihomanole
& others - we lived in the same place
with these last people - my grandfather
was Okaloa his father was Kowa.
moana & Kauluki his mother - Okanaha
was the father of Iukalohu & the father of

Moana, Ihd of Keholo but cant trace him. - I am talking abt first Kamuha - he may have been father of second Kamuha.

Paalua called for delamanti ~~Lilikolani~~

Ruth Kelikolani -

I know Ruth Kelikolani her father was Kuanava & mother Pama. hi. - Kilaweau was Kuanava's father. Kilaweau's father was Kanama & Inaina was the mother. Kanama's parents were Keawemii^k & dont remember name of mother. I know Moana she was the wife of Kanama first & Keawemii was her husband

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Mr. Jones states that he ~~wanted~~ has made a mistake in the name of

— That Her ~~Highness~~ Highness was
absent at the time & asks to amend.
* The court allows Mr. Jones to amend;
in all particulars regarding the mistake
made ^{which} are to be put in writing & filed.

Witness resumes:

I lived with Kalama
during my young womanhood & during
her widowhood - was a Kahu when
& also when adopted son Kumiakea
& never heard her say that ^{Hana} Lilikalan
ma was related when; never heard
Kalamia say so even - I was the Queen's
personal attendant - I was there when
Prince Lot was ~~living~~ living there & used
to see you ~~the~~ (Mr. Harris) there, you

were a Kamaama there - Kuniatoku
 was the child of Kaeo & Jenny Young.
 I heard ^{all abt.} this from Queen Kalama -
 I ^{never} heard that Hana Hilikalani ma were
 related to Kamaama or Queen Kalama
 until this litigation commenced - heard
 from Queen Kalama that Ruth Keli-
 kolani was related to Kamaama -
Hon. S. K. Kaai sworn

I was brought up in
 Oluana's family since I was 14 yrs
 old - I am 42 now - my father was
 Kaai - he lived near Oluana's
 went to school at Wailuku at Maui -
 & when I was 14 was brought down here -
 know Hana Hilikalani : she is older
 than me by 8 or 10 years ~~old~~

19.

I know her father & she is related to
my parents by ~~the~~ ^{her} mother's side -
~~Both~~ my father & mother told me
that Oloweaken's father of Hana
was related to Kamaina but didn't
hear how - I lived with ~~Ikekahe~~ Ikekahe.
He heard nothing abt it -
X^d by Mr. Hartwell -

My parents & other people
told me that Hana was ^a very near
relative of Kamaina but ~~I think~~ I know
Haaleka & Haalilio were nearer - Mrs.
Bishop holds the same degree of re-
lationship as Ruth Kielikolani, as I under-
stand it - Nahe ~~is~~ was a brother of
Hana, she had another brother Ku-
himi by name - Edward is the son
Kuhimi related to Kamaina thro'

Heulu -

G. B. Kalaaukani to whom

I know Hama Lilika-

lani; know her father & mother, Keawe-
ulu was father & Kapaamakahihi the mother.
heard this from Keaweulu himself because
lived with him one time - Kamama opuni
was the father of ^{Kamaka} ~~Keaweulu~~, I heard
this from Keaweulu & from others -

Ahuamaikalakea was the mother of
this Kamama-nui - when I was young I
~~Pamaka~~ saw Kamakan - Kamakan lived with
~~Pamaka~~ and had Keaweulu
~~Kapaamakahihi~~ ^{who} had Hama, Nahi
& Kahi - & Kamakan lived with
Kauamoku^o had Keikiowa^o,
Kamihomanole^u, Keikiowa lived with
Haalila, Kamihomanole lived with

Hope that Edward Lilikalani _____
 I may be mistaken abt ^{wife} ~~the mother's~~
~~and~~ of

Honia Lilikalani son.

My father was Keawe-
 haulie and my mother Keapaamahiki.
 Kamakau was the father of Keawe-haulie.
 Kamaha was the father of Keamahau.
 I think Oukoloha was the father of
 Kamaha & cant think of Kamahas
 mother. I heard abt this ~~ent~~ matter &
~~ent~~ also heard that notice was given
 to claimants to come - didnt see the
 notice, didnt come in then because
 first I had no means to employ counsel,
 secondly. ~~because~~ I thought come of

my relatives were going to bring their claim, thirdly, I thought His Majesty was going to bring it, but he didn't. I always knew I had a claim in this Estate, I never thought that I could come to the Judge & tell him that I had a claim - ~~My brother~~ Naike is my brother, he is now in the Palace - My other brother is dead - Edward Lilikalani is my cousin my father being the older & his the younger -

The Court continues the hearing of this case until Friday, the 27th day of December 1878 -

A. Rosa
Deputy Clerk

23.

Continued from } 27th December 1878.
the 24th instant } Before

Chief Justice Harris

Present: Mr. Dole, Mr. Davidson
Mr. Jones, Mr. Hartwell,
Messrs. Castle & Hatch -
Mr. Holokahiki.

The Court said that it had been informed that Mr. Holokahiki had appeared for Pamahoa in the former suit without authority from her.

Mr. Holokahi states that Mr. Abr. Kalaui who is gone to Can assigned the case over to him; that his clients were Oukahiko ^k/_u & Kahonu ^k/_u but that Pamahoa paid him a fee to prosecute her claim. Mr. Jones calls in support of H. H. Ruth Keelikolani's claim -

Her Highness Ruth Keelikolani sworn

Kekuanaoa was my father & Pauahi
 my mother. I mean the Pauahi that
 is dead - Her father was Koolioken
 & her mother Keona - Kuanao's
 father was Kilaweau & his mother
 Inaina - Kilaweau's father was Kanama
 & Kanama's father was Keawe & his
 mother was Moana - This Moana
 was the fifth Moana & the youngest
 in that family - I ~~heard~~ don't know
 much abt the facts but wht I know
 was from Kekuanaoa, It is not
 customary for High Chiefs to be drilled
 in genealogical tables - I don't know
 how I was related to Kahoukua but
 know that he lived in our family &
 was a Kahu of mice, as a just

as if I sh^d take & care for Princess
 Kaiulani I w^d be her Kahu -
 I am related to Kanama thro' Moana.
 I may make mistakes in telling
 Kanama's relationship from Moana -
 my father told me something but not
 much -

x^d by Mr. Dole

Those who have been drilled
 are good authorities on genealogical
 matters ~~as~~ my father told me this -
 I don't know Hakau, only heard of
 her, I heard that Keawe was Kanama's
 mis' father. heard this sometimes
 from my father & from others when I
 go some where else, it is not ^a ~~customary~~
 common thing to repeat genealogies

Kanama's (1st) wife was Kaleikula^{la}.
 Don't remember the other moanas -
 I don't know the difference between
 Oahu & Makuhana'i, my parents
 never told me abt this - I don't know
 the other husbands of Moana except
 Keawe -

x^d by Mr. Castle

I know Mrs. Pauahi
 Bishop, I know she is a kaikaina
 of mine - Her mother was Konia
 who died a short while ago, Konia's
 mother was Luahine & Luahine's
 father was Hao I think - Hao's
 mother was Oupoupon who died
 recently - never knew her by any other
 name - (Hao's father, ~~was~~ witness does
 not know.) I don't know much abt these

genealogies. Only lived as chief & was drilled in genealogical matters —

I've heard of Hakan, but didn't know her. I only heard people mention her name, Hakan was a woman —

I think the name of Kanama's mother's other wife was Hakan, the people that are drilled in genealogies are common people for the chiefs, chiefs are not drilled —

X^d by Mr. Hartwell

~~Her father~~ My father told me that I & Mrs Bishop bear the same degree of relationship to Chas. Kanama. I don't know anything about Lilikalapi's claim — 'She's a common person'.

By the Court: (Hakanakaia)

I was told by my parents

that our ancestors were sisters; Pauahi
 my was the older sister & Konia Mrs.
 Bishop's mother was the younger
 sister. Pauahi & Konia had one father
 but different mothers - ~~So~~ Their father's
 name was Kooliokeu - Konia's mother
 was Luahine, Koni was Pauahi's
 mother - I knew Luahine, she died
 little over a year ago, she lived with
 us - Pauahi died when I was young.
 Think I was but a few weeks old
 when she died - Kooliokeu's father
 was Kamehameha 1st, He was his
 real father - next February I will be
 5-7 years old >

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Mahe is previously sworn

I know Ruth Keliokeu

her father was Kekuanaoa - Kekuanaoa

father was Kilaweau this mother
Inaina -

Mr. Baette objects to the farther exⁿ
of this witness on the ground that she
was called at the last hearing on
behalf of Madame Parahi & Mr.
Jones states that he didn't know that
she knew anything abt his case -

The Court:- But Counsel may have
mistaken abt his case & directed the
examination to be continued -

Kilaweau's father was Kanaina
Kanaina's father ^{was} Peave & mother
Moana - This Moana was the person
from whom Kanaina (Chas.) descended
Inaina lived with Naholea theg at

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Kahoukua - Inama lived first with
~~the~~ Kiilaweau & the Kekuanaoa
& afterwards with Nahiwa & had Kahou-
kua - I learnt all these facts from
Inama, Kiilaweau - I knew Kiilaweau
talked with him

X^d by Mr. Dole.

I don't know exactly how many
husbands Moana had, know some of
them, I lived with Kamoa & think all
their names were told me & I have for-
gotten some of them, I may have been
in Honolulu & she lived with some
one else - Kamoha was her first-
husb^d, & was father of Waia, The father
of the Moana we are talking abt was
Moana, don't know prefix to his name.
~~the~~ his children were called Moana.

Kalaaihana was the mother of these children had this from Kaiwa, Oalama - I had of Nahuana - Nahuana's parents were Luahine + H Palena - that is another family - I heard of Kahanau malani - I don't know the pedigree of others so well as I do that of Mrs Bishop + Ruth Keelikolani, my memory is failing at some ^{of these} facts that I mention - ~~I~~ never heard that Keelikolani made any claim until this morning -

X^d by Mr. Castle

The morning of the hearing of Mrs Bishop's claim she sent for me & asked me what I knew & I told her

Manaoia (a) previously worn

I know Keeli-

kolani - Rekuanaoa was her father &
 Pauchi her mother. Kiilaweau was
 father of Kuanaoa ~~Kaleikukaula~~
~~his mother~~ - Inaina was the mother
 of Rekuanaoa - Kiilaweau's father
 was , Kiilaweau's wife was
 Inaina - Kaleikukaula was ^{mother} of Kiilawe-
 au & wife of Kanaina - the father &
 mother of Kanaina were Keawenui &
 Moana that we are talking abt -
 Moana lived ^{fr} with Keawenui & had
 Kanaina mi & aft^r with Heulu &
 had Hapan ^w & aft^r she lived with
 Palila ^k & had Kanwa - Kanwa lived
 with Gira & had Naea, I, Kanaina —
 I heard of this from my uncle & father

My uncle was ~~Quwae~~ ^{Quwae} & my father was
 Kihelani - I also had these genealogies
 from my alii Panahi first & also
 from other Chiefs, there were many
 who knew these pedigrees but they didn't
 go abt telling people
 X^d by Mr. Dole.

Nobody told me anything
 abt these genealogies since the other
 day - I sd the other day that I got
 my informatn from ^{Hakamao} books, & that was
 when ^{I had} some dispute with Queen Kalama
 & I looked wh. confirmed my previous
 knowledge - Hakamao was Kamehameha's
 second wife - I sd that Kamehameha's grand
 father was so & so & Queen Kalama
 says "No" & said they were my relatives.

34.

I had learnt it before, but didn't learn
from the books - I don't know who the parents
of Moana were - Kamuhā was
Moana's first husband - Keaweopala
the second, Pukihalani the 3rd ~~th~~
Keawe the 4th, ~~Pal~~ Heulu the 5th &
Palila - She had two husbands by name
of Keawe - one was Keawemii &
other Keaweopala, I heard of Kanaloa,
only heard of the name of Kanaloa but
never knew the person, don't know Kahana-
malani, ~~Within a year or so I heard~~
~~of others claiming relationship thro~~
~~Moana - never heard of the brothers &~~
~~sisters of Moana until abt within a~~
year ago -

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The Court takes a recess from 12 to
1 P.M. -

The Court resumes at 1 P. M.

Paalua (w) recalled
Objection by Mr. Caette similar to first one &
 I knew Dekumava,
 knew his parents only from hearsay. His
 father was Kilaweau & Inaina was
 his mother. Kanania was Kilaweau's
 father. Moana was Kanania's mother
 & Keawe his father, heard this ^{from} for
 Kalama. I heard Kahokua was a
 son of Inaina by another man Nahi-
 olea by name.

X^a_u by Mr. Dole.

495 I only knew the pedigree
 of these two claimants Mrs. Bishop &
 Keelikolani. Kalama didn't tell me
 abt the genealogy of other claimants.

Paul Kanoa sworn

Ikeno Kekuanoa

well; ~~I heard that his father's Kilauea~~

He had two fathers Kilauea + Nahi-
olea, I heard this from everybody - it
was a common report - when I was a
child the song was made when Keku-
anoa returned from England that the
son of Kilauea + Nahi-olea - Kilauea's
father was Kanama this brother was

I didn't hear who the
father of Kanamiamia was -
x^d/_u by Mr. Dole -

Kuemeheua was the
father of Nahi-olea, Kaupē was Nahi-
olea's wife, I do not know who the natural
father of Kekuanoa was -

Re-Direct: It was a common report.

that Kekuanawa was the son of
 Kilawean & Nahiola, Kekuanawa
 never told me abt it - I hrd Kanama
 say that Nahiola was a makuakane
 of his - The majority of the people that
 were connected with that family said
 that Kilawean was the father of
 Kekuanawa -

Mr. Jones recd

Mr. Dole offers testimony in re-
 buttal to the testimony on part of
 Mrs. Bishop & Keelikolani ~~to~~

Alenohu k sworn

I know all abt Kama-
 inao family - know Mrs. Bishop - she
 is a distant relative of Kanamas -

Konia^w ~~lived~~ & Paki^k were Mrs.
Bishop's parents - Konia's parents were
Luahine & Koolioke - Hao^k lived with
Pakalua^w & had Luahine - Hao's mother
was Hakau & his father was Kanama
Opunui & this Kanama whose Estate is
now being discussed was named
after him - Hakau's mother was —
Kamalua & her father was Keawe - &&
Kanama Opunui's mother was Nahuana,
Kahanaumalani^k who was a brother
of Moana was the father of Kanama.
Ihikiamoana^w & Kahiahahi^k were
the parents of Moana & Kahanauma-
lani; they had five children, to wit:
Kahanaumalani^k, Kakeiolani^k, Moana^w
Huapuaalani^w & Koolipuhue^w, This
Moana that I've mentioned was the

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grandmother of C. Kanama; Moana
 lived with Okaupala^k & had Okaupala^k,
 Kūnane^k, Kēhō^k, & she lived with
 Kūkalohe^k & had Kanealelu^w alias
 Ahumaikealakea & Kahalan^k & she
 lived with Nohomalamani^k & had Kalei
 manokahoonaha^w & Kanwa mother of
 Chas. Kanama - She had no more
 husbands after this - Parahi was
 Keelikolani's mother ~~her mother was~~
~~Keekuanaa~~ ^{Keelikolani} Parahi had two reputed
 fathers Kahalai & Keekuanaa, when
 Keekuanaa got bk from England
 Kahalai was living with Parahi -
 Kaleiohu was the father of Parahi
 this (O Kaleiohu) & mother was Kane-
 kapolei & Kanehameha 1st was father

Kalciohuk - Kiilawean was the mother
 + Nahiole^k the father of Kekuanoo.
 Nahiole was killed at the Battle of
 Nuamoo. I have heard of Inamii^o
 she was the mother of Kalimakuh.
 I don't know who the father ^{+ mother} of Kiilawean
 were - also Nahiole - never was told.
 I only heard of one wife of Kanama
 & that was Hakan. ~~Kanama-mui was~~
~~the son~~ Heulu & Moana were not the
 parents of Hakan, because ~~that Kanama~~
 Moana's brother was the father of Kanama-
 mui & when she had childⁿ she called
 them after them - Kanaka & Keawe
 were related to Moana thro' Nohomua-
 lamⁱ one of Moana's husbands - I know
 all these facts because I was born at
 Napoofoo & my parents were related

remotely to this family. Kalimatukhi
 some relative of mother told me
 at this. He was related to Moana
 but very distant. So I mother of
 Kalamaff ~~mother~~ ^{when I was at Napoosoo} was living there,
 Naia was also there ~~when I was~~,
 didn't live with chiefs there but went
 there occasionally, they used to send
 me on errands - I am 60 years old.
 X^a by Mr. Dole

I left Napoosoo before
 the Ainoa, Kalimatukhi told
 me pedigree at Napoosoo - I lived
 at Puna with my aunt until the
 end of the measles & then I had
~~them~~ Kalimatukhi speak of this
 family's genealogy - I heard this when

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I was small my aunt kept on
telling me, she didnt die until I
had children - I was born when the
chiefs went to Kau for water - I live
on Moehomua's land at Kalihī - I
didnt see any paper with these gene-
alogies - I lived with Kamaia & the
~~other~~ chiefs at Pohukaina, never
looked at any book for these gene-
alogies - Kukalohe was one of the
husb^s of Moana, never heard of
Kamua or that he was child of
Kukalohe & Moana - I dont know
Hana Lilikalani - I knew Kama-
kan that lived at Kaawaloa with
Tairi - I was never told who Kama-
kan's father was - I know some facts
other than what I've stated here to-day

I've heard of Pamahoa ², know ~~of~~
 several Pamahoas - know Pamahoa
 who is in Court. I heard that Pamahoa
 was mother of Kamakau when I
 went there they said she was said
 heard of Kamuha; that he was a
 chief - If Kamuha had another
 name ~~the~~ Okahalan then he might
 be the son of Moana & Kukulohi
 X^d by Mr. Hatch

I only know of 3 husbands
 of Moana & that's what I have
 mentioned - I didn't hear that
 Moana had a husband by name
 of Keawenui, if Keawepala &
 Keawenui are the same persons
 then Keawenui might have been

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a. husb^d of Moana - Kahana-
malani was the father of Kanama
Opumui - I hrd of Kawakahu,
some people may have called him
for short - Heulu, never heard he
was a husb^d of Moana - I learnt
this pedigree from my aunt, she &
I was related but was too remote -
my aunt died at Meaele, my own
mother didnt die until just before
the small-pox - I was a witness in
this case for Kaaleka & others -

Re Direct:

Kanama waent fond of
people that asked him abt his genealogy.
Sometimes Kanama mentioned that such
such was his keiki, &c - he called Pahan
his kaikamahine - & Kilinahe his kaikaina

✓ Pahukula his keiki
✓ Ohule k sworn

— This witness is introduced by Mr.
Holokahiki.

Mrs. Bernice Panahi Bishop is
related to Kanama but just as I have
said before - Konia was Mrs. Bishop's
mother & Konia's mother ^{was} Luahine &
Luahine's husband was Koolitoku & the
father of Luahine was Kanama -
Kanama's wife I don't remember ^{as also} Kana-
ma's parents ~~were Luahine & Piilani~~ ^{Moana} &
Moana ^k were the parents of Moana ^{co} ✓
Moana had 3 husbands, Keawepala 1st
husb^d, Kukalohu 2^d & Nohomakini
the 3^d

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Mr. Dole asks the Court that if he

will be allowed to refer to the testimony offered in the former suit (Quiet-Title) in rebuttal & also historical matters he will rest

The Court:

We will try to get all information possible regarding Kanania's pedigree -

The Court continues the hearing of this case until to-morrow at 10

o'clock. AM., Mr. Davidson Counsel engaged as Counsel in another suit (Chew v. Dawson) for Pamahoa not being ready - being

Mr. Holokahiki files affidavit ^{his} of being engaged by Mrs. Pamahoa Napoleon as Counsel in the former suit.

A. Rosa
Deputy Clerk

Continued from } 28th December 1878⁴⁷
27th inst } Before Harris C. J.

Present:

Mr. Jones, Mr. Holokahiki,
Mr. Davidson. Mr. Dole -
Messrs. Castle & Hatch per Mr. Hatch.

Mr. Davidson on part of Pannahoa
(folio 166)
refers to the testimony of Pahiha,
Ua, Manini + Kannaile - and
proposes to substantiate their testimony
by that of two more witnesses - and
calls

Kahom^k sworn

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I knew Kauwa - she had
a younger sister by the name of Kane-
kolia whom I knew, I know of no other
sisters - Kanekolia's husband was

Kawaahoele - their first child was
 Narkoolanihaka^w, next was Kaea-
 akamahu^w, third child was Kuai-
 laikia^k, fourth Kekuikahiko^k
 Narkoolanihaka^w lived with Lonoaea
 & had Kaupai^w, Kaeaakamahu^w,
 Kahonu^k witness, Kekuikahiko^k, Kama-
 kamohaha - two of these are dead &
 3 alive, myself, Kekuikahiko & Kama-
 kamohaha - All the children of Kaneke-
 hia are dead - Kaupai^w has a child
 living by name of Pamahoa^w claimant
 Kanekehia who is still alive & Paale who
 is also alive - Pamahoa is claimant,
 is in court, & is wife of Napoleon
 Kahi - I had from my parents that
 Moana & Palila were the parents of ~~the~~

Kauwa & Kanekolia - I know not which
 of them two was the man or woman.
 Eia was the husband of Kauwa & their
 children were Naea, I, Kanania &
 Oaheli & Kaikumoku. This Kanania
 I speak of as child of Eia & Kauwa
 was the father of Lunalilo -
 x^d by Mr. Dole -

This Kanekolia I speak
 of was of the same father & mother
 with Kauwa - Kauwa & Kanekolia
 were the only children of Moana Palila
 that my parents told me, never heard
 of any other husband of Moana —
~~x^d by~~

By the Court:

I saw Kauwa when I was

quite young, I am now 63 years
old; havent any ^{very} distinct recollectⁿ
of her appearance, she was not a
large person; the last time I saw her
was when I was at Nafsoopoo, saw
her in the house & at other places
at Nafsoopoo - I saw Era, the
reason I saw them was because my
grand mother ~~was~~ used to take me to their
place - I dont remember exactly how
she was dressed, was dressed like
Chiefs, clothing then was Pauhan,
this cloth clothing was not in abundance
at that time - I think she had Pauhan
on -

X¹¹ by Mr. Jones

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I dont know year that
Kamwa died - I think Kamwa

am not certⁿ who died first-Kauwa
or Kamehameha ^{1st}:-

• Kauwa^a sworn.

I knew Eia and his
wife Kauwa at Napoopoo, they had
children Naa^k, I^a, Kanaina^k, Okahele^a,
+ Okaikumu^k, they are all dead - this
Kanaina that I mention was the father
of Lunalilo - lately King of these Islds.
I heard ~~that~~ ^{of} Kauwa's parents ~~were~~
~~Moana & Palila~~; it was talked
abt commonly at our place - Kauwa
died after the Ainoa, don't know
when Eia died - I lived at Napoo
poo with my parents near the house
of Eia, ~~went~~ ^{visited} backward & forward.
• I never lived in Eia's family -

5-2.

Kanwa had a sister named Kaneko-
lia - I heard that the parents of
Kanwa & Kanekolia were Moana &
Palila, they were sisters of the same
father & mother - Kanekolia^o lived with
Kawaahoele & had Nakoolanihaka^o
Kaeakamahu^o, Kuaiaikua & Puhi-
mūkalanī^k, they are all dead - Nakoo-
laniohaka^o lived Looaea^k & had first
Kaupai^o, next Kahonu^k, third Kuka-
hiko^k, fourth Kamakamohaha -
there were other children but they are dead -
those of these that are living are Kahonu,
Kukahiko & Kamakamohaha -
Kaupai is dead but her children
are living - her husband was Kamai-
hūi he is dead - his children were
Pamahoā claimant who is in Court

she is married to Napoleon Nihii,
another child by name of Maelle
who is in Court & Kanehohia who
has not come - I was born when
Kamehameha ^{1st} died, Kanehohia
first lived at Napoopoo - Nahoolani's
haka lived there also & raised her family
there - Kaupae lived there also & raised
her children there - We all grew up at
Napoopoo & when Kamehameha became
King we all moved down to this side
X^a by Mr. Dole

I didn't hear that Mama
had any husband other than Palila -

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The Court is of opinion that this
claimant Pamahoa is barred from

proceeding in this manner in this matter by reason of her being examined on her own pedigree in this case on appeal and by reason of the affidavit of Holokahiki as to acting on her behalf. The Court is of the opinion further that ~~not~~ wishing to facilitate the matter as much as possible not to bar the claimant Pamahoa of her rights, the Court proceeded to give judgment upon the facts & was of opinion that the testimony adduced was not sufficient to alter the previous judgment formed that Kanekolia was not the sister of ^{Kamua} ~~Kanekolia~~, therefore the claim of Pamahoa is dismissed. Mr. Davidson gives notice of appeal on the facts relating to Pamahoa's

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claim to the Jury at the next January Term of the Supreme Court and also gives notice of appeal from the ruling of the Court that claimant Pamahwa is barred by reason of her previous appearance and by reason of Mr. Holokahiki's affidavit -

The Court assigned next Thursday 2^d January as a day for argument

A. Rosa
Deputy Clerk

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Continued from 27th ult.

2^d January 1878.

Before Chief Justice Harris

Present: Mr. Dole, Messrs. Castle &
Hatch per Mr. Castle -

Mr. Jones - Mr. Hartwell & Mr.
Holokahiki & Mr. Davidson -

Mr. Davidson on the part of Maelle ^W
whose claim is herewith filed, ^{who is the} ~~claimant~~
sister of Pamahoa states that he submits
her claim on the evidence introduced on
the part of Pamahoa; that she (Maelle)
had not been in Court before & therefore
is not liable to the same objection as
Pamahoa in that respect and asks that
the whole records may be used in ~~her~~
support of her claim of relationship to

the deceased Kanaima.

The Court:

This claim must be dismissed on the ground that Kanekolia^w was not shown to be the blood-relative of Kauna mother of Chas. Kanaima -
Mr. Davidson notes an appeal to the jury.

Mr. Dole moves, as by the motion on file, for the dismissal of Mrs. Bernice Panahi Bishop's claim - cites Section 1292 of the Civil Code.

Mr. Hartwell argues in support of Mr. Dole's motion.

Mr. Castle per contra - submits the claim without amendment.

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The Court overruled the motion saying that this is not an action, it is a proceeding to ascertain who is the heir.

In the case cited that of Ejectment which is an action to obtain of the land & the husb^d is entitled to the possⁿ. The averment here is that Mrs Bishop is one of the heirs to the deceased & the joining of the husband in that declaration will not add to or detract from the value of it. I don't know of any instance that it has been held necessary in proceedings in the Probate Court ^{for the} ~~in a~~ distribution of property that the husb^d should take any peculiar action & none has been cited from our record - the payment of costs alluded to by counsel can have nothing

to do with it if the Court felt uncertain of obtaining the costs, they would make some order on the subject. The fact is, that the deceased has died without a will and leaving a great uncertainty as regards who are his heirs or that he had any; and his Estate must pay the costs of its administration. I have never heard that a minor heir, for instance, in an orphan's Court, was obliged to sue or make known its position by a "next friend" -

✓ Mr. Castle proceeds to argue in support of Mrs. Bernice Pauahi Bishop's claim. He claims that she is heir to Chas. Kanama deceased

419 First: Through Kenu^k & Moama^w,
Second: Through Kanamamui^k & Hakaui^w which

Kanaina is alleged to be the son of Moana by Keawenui & half brother of his wife.

Mr. Jones on the part of Lilikalani

Argues that if Moana had a husband by the name of Kikolohe, then Lilikalani's claim is made out; that Kikolohe was the father of Kanuha &c -

Refers to evidence taken before Mr Justice McCully & before the Supreme Court on appeal; not only that introduced by him but that introduced on the part of other claimants -

On the part of H. H. Ruth Keelikolani

Argues that if Moana had a husband by name of Keawenui & their issue was — Kanainani who married Hakau had

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Kuilawean who lived with ~~Paunahi~~ ^{Enama} had Liku-
anaa who lived with Paunahi had Ruth
Keelikolani - Her relationship is made out.

Mr. Dole contra Mrs. Bishop -

Refers to Exhibit B. folio 34, Bingham's
Hawai History p. 49 - Keaweheulu, by former
testimony appears to have built Heciau at

Heciau not mentioned at all
in former testimony - There was another Heciau
who was husband of Ikuana - admits that
Kamamiamui lived with Hakan - refers to
Exhibit C. p. 43 - that Makua a reliable
witness on part of Mrs Bishop erred in
calling Kolaioke, Hokoioke, whereas it
should be Kolaioke. Paahua calls it
Kailipu - they don't know much - All the
genealogical Books speak of Kolaioke -

Contra Ruth Keelikolani
 Can show that father of Kekuanawa was
 Nahuolea; that Kilaweau was a woman -
 that there was a very prominent woman in
 these days by that name - Can establish
 that fact by testimony of Hon. Abner
 Fernandez. Refers to Book B p. 2.
 Records of First Trial p. 39. evidence of
 Kahala -

Mr. Hartwell - agrees with Mr. Dole.
Mr. Jones - Refers to Book C. pp.
 1 to 40 - that Kukalohe was the
 father of Kaniha & others & Kaniha
 who was the father of Keaweheke who was
 the father of Hana Lilikolani - Refers
 922 testimony of Mahue before Court in Banco
 p. 31 as to Kehe being mentioned. ^{Argues} that it is

62.

proven that Kanaimani was the son of Kawe-
ni k & Moana ²,

Mr. Castle contra Mr. Dole

Alenoho testifies on p. 36 testimony of
July that Moana & Palila had only
two children, Kaleimanokahowaha &
Kauwa; that by former testimony it appears
that Heulu was husband of Moana - that
Makue testified as in July last.

The Court:

This matter is taken under considⁿ
+ a decision will be given at early date.

A. Rosa

"
Deputy Clerk

over.

Notices of Appeal were given
by Counsel as follows:

~~Mr. Dicks on the part of Haulaho et~~

als to ruling of the Court as to
the admission of new claimants,
to the Supreme Court in banco.

Mr. Preston on the part of Pahau
the same.

~~Mr. Hartwell on the part of Kama~~
the same.

Mr. Davidson on the part of Pama-
hoa ^{vs} to ruling of the Court excluding
her claim to Sup. Court in banco
and to the Jury on the facts as
to her relationship and the same
as to Mael's claim.

A. Ross
Deputy Clerk

In the Supreme Court of the Hawaiian Islands

In the Matter of the
Estate of C. Kamaina
in distribution

Before Mr. Justice
Kannis

And now comes A. W. Kaalilio one of the heirs
of C. Kamaina do, as decreed by the Supreme Court,
and moves to dismiss the petition of Bernice
Panahi Bishop filed on the 28th Sept 1878, for
the decree of the court awarding her the whole
or part of the said estate as heir to the said
Kamaina, - on the ground that the said Bernice
Panahi Bishop is a married woman and is not
joined by her husband in the said petition.

2 Jan 1879

A. W. Kaalilio by
S. B. Dole, counsel.

Sworn to before
me this 2^d

Jan'y 1879

A. Rosa

Dep. Clerk

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Supreme Court -

In the Matter of the Es-
tate of C. Francisco in Dis-
tribution

Motion to Dismiss.
Claims of Pouch

Filed & Jan'y 1879

A. C. Davis
Rd. Clerk

Supreme Court Hawaiian Islands

Honolulu

Oahu

} ss }
}

Estate of Charles Kamae
The Public Administrator

In the Case of Malle, vs,

Notice is hereby given of an
appeal from the ruling of His Honor
The Chief Justice rendered on Thursday
January 2^d 1879 dismissing claimant's
demand as heretofore - To the Supreme
Court and a trial of the case by jury

Malle vs

L. D. Davidson
att. and of Counsel

January 7th 1879

0-2426

Excessive Losses

Refusing to write
Monetary No. 100
Administration

Stunning Mace

Notice of appeal
to a jury

West / June 1899
J. H. G. Edwards

Clerk

Supreme Court of the Hawaiian Islands

January

TERM, A. D. 1879

Honolulu, 9th January 1879.

In the matter of the
Estate of Charles
Kanaina ^{vs.}
deceased

Before

Chief Justice Harris
Judd & Mr. Bailey J.J.

Appeal from the decision of Chief Justice
Harris rendered 2 Jan'y 1879 - admitting the
claims of Mr. Bishop, Keliikolani, & others &
dismissing the claim of Pomahoa & Maile.

Mr. Cole for Kaalilio appellant
proceeds to argue the appeal.

Mr. Hartwell follows on the same
side

Mr. Hatch proceeds to reply

Mr. Jones follows & quotes:

3 Hawaiian Reports - - p. 419.

2 American Decisions p. 708.

Mr. Preston replies to Mr. Hatch & Mr. Jones

7 Term Reports p. 455.

Mr Hartwell replies to the arguments
of Mr Jones & Mr Stetch.

1 Metcalf p 204.

The case is submitted

J^{nr} E Barnard
Clerk

45. 0. 2426

SUPREME COURT.

January Term. A. D. 1879.

In re Charles

Stanard vs. *et al*
U.S.

PROCEEDINGS.

h
January 9th A. D. 1879.

W. D. Barnard

Clerk.

Know all men by these presents that we the
undersigned Maelle, as principal and
James H. Wilcox as surety and held and firmly
bound unto L. E. Barnard clerk of the Supreme
Court in the Penal sum of Fifty Dollars for the
payment whereof we bind ourselves and heirs
and assigns jointly severally and firmly by these
presents in full and binds this 3
day of January A.D. 1879

The condition of this obligation is such
that whereas the above said Maelle, has
filed her claim as an heir at law of Charles
Kanama deceased and her claim having been
disallowed by the Honor Chief Justice C. C. Harris
from which decision she Maelle has taken
an appeal to the Supreme Court and a trial
on the facts of her case by jury now of the
said Maelle shall pay all costs in the matter
to accrue on appeal as due the officers of
Court then this obligation to be void other-
wise to be and remain in full force and
virtue

Maelle
James H. Wilcox

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Supreme Court

Estate of

Charles H. H. H. H.

McFarland

claim of

Donald

Dec. 10

Dec. 1, 1879

Filed by the

the 11th January

1879

John C. H. H.

Charles

Supreme Court } Jan'y Term, 1899
In Banco }

Re Estate of C. Kanamir

Points on Plea in Bar against new
claim -

The Statute clearly was meant to bar
all claims by inheritance not provided
as it requires, & must necessarily have that
effect, or else be void for unconstitutionality
in which event - & in no other - the former
decree is void as against these claims.

The only objections urged to the Statute
are, its barring claims of defendants on
whom only published notice by publication
was given, & its failure to provide for trial
by jury. But no Statute is ever to be
declared unconstitutional, unless it clearly
be so, and also unless it clearly has
become necessary to so declare. The parties
now asking for such results are at the
same time appealing to the Court, and
not a jury, for trial of issues of fact, & so

are involving a jurisdiction equally
and not more. Subject to the same
objection. If there claimant should
present this claim at once before a
Court of law (as by Exemption) their
objection to the unconstitutionality
of the ~~Statute~~ moved for in order, but
not to now. The Statute of 1864 authorizing
appears to say if the Estate is over 500
in value does not remove the same
objection of substituted notice - and the
jury objection may be overcome in
proceedings under the Act of 1874 which
are to be had according to the usual
Course of proceedings in Equity, by a
jury being ordered by the Court under
Section 1238 of the Civil Code, or if
the Act of 1874 does not expressly
authorize that to be done, it may be
under Sect. 854 of the Civil Code.

A rule of Court that on
request of any party in any

can under the Act of 1874 be
prevented by the issue of facts
which demand all the objection.

But the same difficulty, if
held to be vital, would render
all proceedings to determine heirs
or distribute in probate in cases of
Estate, under 500., unconstitutional
void. Hence the importance of not
unnecessarily declaring the Statute
void, & of reserving a decision on
the necessity of jury trial until it
is necessary to decide it.

Reah's or Bishop seems to decide that a
decree of being her court is disturbed
in any other proceedings between parties or
privies.

At least the Statute of 1874 gives jurisdiction
concurrent with that of the Probate Court, &
therefore the Probate Court can modify or set
aside the decrees made under the Statute
whether a Court of law may do. The
decrees of the Supreme Court in cases under
the Act of 74 should be good against any Probate
Court decrees.

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A.S. H. H. H. H.
for 5th South Emulsion.

Supreme Court

Mr. Justice

May 6, 1899

R. H. L. 2
C. K. L. 2

Part on the 1st
by the student

in the Court
Room

May 24

Counts against the Court

Long term 1899

Supreme Court of the
Hawaiian Islands.
In Probate.

In the matter of
the Estate of } Claim of Madam Bishop
Charles Kamae

Claimant's Brief.

I. The judgment rendered in the proceedings under the Act of 1874 was a judgment in personam. The question in issue was to settle the title to real estate. All actions to try title are actions in personam.

Freeman on Judgments § 606.

(1) Judgments in personam bind only parties and privies.

Bigelow on Estopped 46.

The present claimant was not made a party to that proceeding. Of the plaintiffs in that case desired to settle the question of her title they could have served process upon her and made her a party.

She can not be construed to have been a party. Publication is never a sufficient service, when personal service can be made.

The Constitution provides that no person shall be deprived of property without due process

of law. That must mean process of law served upon him. No proceeding can be found where a party's title to real estate has been decided without service of process upon him. Under the construction claimed a party in possession could be deprived of title without notice. No one could be sure their title was not being attacked without constant inspection of the calendar of the court. Constructive notice is unreasonable and contrary to the spirit and practice of the common law, and of all systems of jurisprudence derived from it.

Proceedings in bankruptcy and in settlement of insolvent estates stand upon a different reason.

(2.) This claimant is not a privy of any party to the former proceeding.

"A privy is one holding under a party litigant and deriving title subsequent to the commencement of the suit."

Hunt v. Haven 32 N.H. 164.

"Privies are stopped from litigating that which is conclusive upon him with whom they are in privity." Id. 169.

Lickinson v. Gould 35 N.H. 16.

It be barred by the judgment pleaded.

as a Privy, this party must have derived title from some party to the "proceedings to quiet title," subsequent to the commencement thereof. He is Privy in blood of Lehas. Kanaia, but he was not a party to that suit. One might be construed to be a party, but it is impossible to be construed a Privy.

II. The judgment pleaded is not a bar to this proceeding because the issues are different. The proceedings under the Act of '74 are in no sense in rem. But if it be held that the judgment is in the nature of a judgment in rem so far as it establishes the status of those claimants as heirs of Kanaia, then it can not be pleaded here in bar because the issues are different.

Our kinship and their kinship are different subjects of inquiry. It is admitted that we are stopped to deny that they are of kin to Kanaia in the degree there proved. But this does not bar us from proving that we are of kin in the same degree.

940 "And would not prevent a nearer relation from asserting his title."

Heath v. Bishop & Haw. R. 553.

"The former verdict is conclusive only as to the

facts directly put in issue". Freeman. 8 287.
Our Kinship was not in issue at all.

III. This party is properly before the Probate Court. This Court has jurisdiction to try questions of pedigree.

Keach v. Bishop 3 H. R. 352.

Gage v. Gage, 29 Ct. 545.

(2) The Probate Court has power to partition real estate among heirs.

It has that power in Massachusetts.

General Statutes ch. 136. sec. 48.

" " ch. 96. sec. 14 p. 490.

White v. Elapp, 8 Met. 369.

Ligouray v. Bibly, 21 Pick. 107.

It has that power in Maine.

General Stat. ch. 108, sec. 1, p. 449.

Loggswell v. Reed, 12 Me. 199.

It has that power in New Hamp. when there is no dispute as to title, that is the title of the ancestor. Compiled Stat. p. 324, sec. 1.

Gage v. Gage, 29 Ct. 545.

That power is given by sec. 85 of the Code to a Judge at Chambers. - sitting as a Court of Probate. A Judge at Chambers entertaining such a petition must exercise either equity or Probate powers.

Equity jurisdiction is conferred by Sec. 847. Sections 851 and 852 mention Probate powers alone, and refer to no other jurisdiction. Section 1242 refers to the Probate Court as a Judge of a court of record at chambers. Sec. 1243 uses the same language. Section 1468 recognizes the authority of the Probate Court over real estate. The Court has exercised this authority for thirty years.

There is no analogy between the powers of Probate Courts in this country and in England. There an administrator can not sell real estate to pay debts, nor collect rents. Here these powers are exercised, and the powers of Probate Courts generally are similar to the extended authority of those courts in the States above cited.

IV. The Act of 1874, furnished but a concurrent remedy. It is cumulative not exclusive. By its terms it repeals no act, and modifies none. It can not by implication be construed to abolish the Probate practice. In the absence of express words that can not be held to have been the intention of the Legislature.

94.²
V. The plea in bar is bad because it is founded on proceedings under an Act which

least Hatch.

Supreme Concept.

Dr. Banco
Jan. 11/99

W. C. Abbott, of Kent, Kansas.

Column of Mrs. Pickhops

W. B. B. B.

Castle of the Castle.

Lany term 1896

In Re, Estate of Charles Kanaina, deceased.

The Supreme Court of the Hawaiian Islands.

Of the January Term 1879.

H. C. Jones, Counsel for Kanna and Edward K. Likelani and Ruth Kekikalani, contends:

1. That no claimant to an interest in the estate of Charles Kanaina, deceased, is barred by any decision rendered on the petition of K. Kalakaua, et al., who was not a party to such petition, and who has not heretofore presented such claim.

That no stranger has a right by filing a petition under the law of 1874, to draw other parties into litigation against their will. When a petition filed by such stranger in blood and interest is heard on the merits and he is found to possess no claim, or right, and his petition has not been sustained in whole or in part, the petition should be dismissed, without prejudice to others who may have been drawn into the litigation. Now for their voluntary submission to the further action and decision of the court, may be conclusive as to their rights, is not the question here in controversy.

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The only question now before the court, is, are those claimants barred, who kept aloof and were not parties to such petition. They are not parties, ^{or privies} in contemplation of law, for without due notice no person can be made a party to any legal proceeding, or by a voluntary appearance, in which he tacitly

consent to the jurisdiction of the Court over his person and the subject matter in controversy.

It would be trampling on the first general principles of jurisprudence to say that a party should be barred of his rights by a proceeding commenced by a stranger in blood and interest, to which he was not a party. I would go further and say, that it would be an equal disregard of the great principles of law and right to say that a party would be barred from asserting his claim, although the party who filed such petition was not a stranger, but really a party in interest, unless he had due notice or voluntarily appeared.

A new party will be admitted in Probate, even on appeal

In the Estate of Boholoway, 3 New. Reps. p. 419.

2. I deem it ^{proper} ~~and~~ to raise another point in this discussion, because it may as well be settled now as at any other time. I regard the Law of 1874, as unconstitutional, because it has a direct tendency to deprive a party of the right of trial by jury, in violation of Article VII of the Constitution of the Kingdom.

The Statute of 1874 in its provisions affects the right to real estate only, and there is no reference to the value of the estate.

It usurps the jurisdiction of our Common Law Courts, by superseding all possessory actions, where a party is entitled to a trial by jury under the provisions of the Constitution.

By reference to the 7th Section of that act, this usurpation is made glaringly apparent, for that Section provides for writs of prohibition.

If any claimant ^{would have had} ~~had~~ a right to trial by jury before the adoption of the Constitution of 1864, the act of 1874, is unconstitutional and void.

In the case of ~~Barlow~~ ^{Barlow} v. Bowles & American decisions page 708, it is decided that a Court depriving a party of the right of trial by jury which existed before the adoption of the Constitution, declared unconstitutional.

See also Duncan's nullifiers, pages 646-638-

Endorsed in Stephens, 2 American Reports p. 700

The people of Texas, & American Reps, page 95.

All of which is respectfully submitted.

W. B. Jones

Attorney Kamma Lickolain and others.

A party has a right to make a pig in all cases for the possession of real estate, and any law which tends to abridge that right is unconstitutional.

~~No more necessary~~

On the question of due process ^{in the following particulars:} I will ~~be decided by~~ ^{be decided by} Taylor vs. Porter & Ford. 4 Hill, 140. Worcester vs. Gregg 12 New York 202.

~~W. B. Jones~~

The act of 1874 appeals to the great estate, and an expectant under an law is by the title.

W. B. Jones

Brief
W. B. Jones

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Jerry Jones 1879

8. 2426

Supreme Court " January Term 1879
 In the matter of the
 Estate of } Harris C. J. Juss and
 Charles Kanaina - dec'd } McCuey J. J. -

Appeal from Harris C. J. sitting
 in chambers in probate -

Opinion of the Court by McCuey, J.

The question in its simplest statement is whether the application of the claimants in the Probate Court, upon the final settlement of the Administrator's accounts, to prove a relationship with the deceased intestate, is barred by the proceedings had under the Statute of 1874, - to quiet titles in lands claimed by right of inheritance.

There is no language in that statute which in terms takes away from the Probate Courts any power belonging to or hitherto exercised by them, but it is contended, with good reason, that if the Court in its Probate capacity, shall admit new parties to make claims, the judgment under the prior proceedings will be affected, and perhaps superseded.

By the judgment which they have obtained, each of four parties is entitled to take one fourth part of the Estate.

If one or more parties shall establish in the Probate Court a like relationship and the Estate shall be divided into fifths, sixths or smaller fractions, then the former judgment is pro tanto set aside. If a new party shall be admitted and prove that he is a nephew being nearer than the degree of the above ^{four} parties, he will take the whole estate. The former proceedings would have been nugatory and futile. That Statute provides that when proceedings have been regularly had therein, the final decree shall be recorded in the Registry of Conveyances, and may be pleaded in bar of any subsequent action brought by parties or privies of the original proceedings. It also provides that all who are known to be claimants shall be made parties by notice, and that advertisement shall be made to those who may not be known as claimants to come in

to the adjudication.

Those who argue that the former judgment is a bar contend that in view of the public notice and in view of the fact that the new claimants do not deny notice and knowledge of the former proceeding, they are barred as "parties or privies" from bringing subsequent actions.

It is difficult to see how the decree could operate to bar subsequent actions, and so to quiet title, upon any other construction and we therefore take that to be the intention and meaning of the law.

In coming to this conclusion we have been compelled to consider carefully the full scope of the statute in question, and have had our attention drawn to the following points. First, it is entitled an act for proceedings to quiet title, but it is limited in the caption to ^{lands} ~~lands~~ "claimed by right of inheritance". It is not therefore a statute prescribing practice and proceedings in what are known as bills of peace, or bills quia times, for they may be brought to settle other claims, than those by inheritance,

as for instance, to cure defects in a deed, and in respect to other property than land. This is one of the many departments of Equity jurisdiction. We know of no instance in this country where such a bill has been brought, but there is no doubt that the general Equity jurisdiction given to the Justices of the Supreme Court would be sufficient for it to be entertained, and that the proceedings would be regulated by the rules of Equity practice.

Second. The Act contemplates the recovery of land by a party not in actual possession, as against one "holding by deed or otherwise with claim of ownership in fee", and whether the ancestor of the petitioner died testate or intestate, and leaving children and statutory heirs, and section 7 empowers the justice of the Court having jurisdiction to issue writs of possession when necessary.

Third. The petition is to be heard by the Justice of the Supreme Court to whom it was addressed, or by the Justices of the Circuit Court, with

appeal to the Justices of the Supreme Court. The proceedings are to be had according to the usual course of proceedings in Equity, in the method of taking testimony, that is by oral or written examinations. They are from first to last to be by Judges sitting without a jury.

Fourthly. The decree of the Court bars any subsequent action brought by parties or privies of the original proceeding. *

Now in view of the provisions above quoted we are unable to see why this statute is not applicable to perhaps all cases which have been the subject of actions of ejectment. It may be used against one holding by "deed or otherwise", that is by any description of title. It may be used if the ancestor died testate, when the Estate is not governed by the statute of descent being devised, and ^{it} may be used to claim against the children of one dying intestate.

In the lapse of time all estates may come to be held by right of inheritance or by devise for some link in the chain of title, so that by this statute

any person claiming an inheriting relationship to any ancestor who possessed real estate may bring this statute to bear on the parties who may now be in possession thereof by devise, by deed or otherwise.

There is no limitation of time in the statute. The party in possession may have held it for any number of years less than twenty, either by his own occupation after the death of the alleged ancestor or by ~~a~~ deed from an heir. There is nothing in the terms of the law confining it to a case like that before the Court where the Estate is in abeyance, all parties who pretend to be related, being in such remote degree that they must wait until there shall be some judicial inquest and determination, which shall warrant a demand for possession.

But if in any case a statute substitutes a procedure without the possibility of resort to a jury in matters where a trial by jury has hitherto been used, it comes in conflict with the provision of the

Constitution found in the latter part of Article 7. "In all cases in which the right of trial by jury has heretofore been used it shall be held inviolable forever except in actions of debt or assumpsit in which the amount claimed is less than Fifty dollars". In re petition of Louis Paloma, July Term 1878.

Heretofore in this Kingdom if B. was in possession of real estate and A. claimed that it belonged to himself by right of inheritance, by devise, by deed or otherwise, he has been obliged to proceed against him in the mode prescribed by section 1118 of the Civil Code, that is, bring an action of ejectment wherein all the issues of fact are tried by a jury, and the Court makes no judgment and issues no writ of possession not founded on the verdict of the jury. But if this statute is valid A. may employ it to eject B. and to bar all other persons afterwards, and B's right to a jury as heretofore enjoyed is violated.

The case above supposed is not

a remote one. It comes within the terms of this Act as easily as any case when the party bringing the proceeding is in possession and desires to extinguish hostile claims. We have scrutinized the Act to see if we could separate a part which might have an unconstitutional operation, from the remainder, and if by legal construction the latter could be left operative, but we find that the provision for an action of ejectment is blended throughout with that for quieting the title of a petitioner in possession.

This fact constitutes a vital difference between this statute and the proceeding which we have spoken of, by bill to quit title, or bill of peace, and from statutes of other countries having a similar title.

We cite from Pomeroy's Remedies and Legal Rights § 369. "Actions to quiet title." The very object of the proceeding assumes that there are other claimants adverse to the plaintiff in setting up titles and interests in the

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land or other subject matter hostile to his. Originally and independent of Statute this particular jurisdiction of equity was only invoked when either many persons asserted titles adverse to that of the plaintiff or where one person repeatedly asserted his single title by a succession of legal actions, all of which had failed, and in either case, the object of the suit was to settle the whole controversy in one proceeding. The action ^{has} however ~~has~~ been greatly extended by statute, especially in the Western States, and is there an ordinary means of trying a disputed title between two opposite claimants - The general scope of these statutes is as follows: The plaintiff must be in possession claiming an estate in the lands. The adverse claimant or claimants must be out of possession and must assert a hostile title or interest. In this condition the possessor of the land, without waiting for any proceeding legal or equitable to be instituted against him, may come into court, assert their titles and have the

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controversy put to rest in the single judgment. It is plain therefore that this statutory suit is the converse of the legal action of ejectment."

And we think it is plain, that the statute under our consideration in terms provides both for ejectment and the converse result of assurance of title.

We think it would need no argument beyond this to set aside the statute as unconstitutional and therefore void if the decree were pleaded in bar of proceedings in Ejectment. But Counsel contend that the Court should ^{not} pass upon the question of constitutionality ~~of~~ until it is raised in an action, where a jury is demanded and that as the motion to admit claimants in probate does not, at this stage, at least, raise the question of a denial of a jury, we should not take notice of that point. We answer that counsel who move for the admission of new claimants have raised the question. It is true the argument on this head was

not fully made on either side, upon some expectation that it would not be considered until a case of Ejectment should be brought. But we have felt that if the statute were plainly unconstitutional that we ought not to proceed upon it, after the objection was made.

The lengthy proceedings had in this estate under this statute were had without objection. All parties who came into Court hoped to benefit by them. If the soundness of the procedure was questioned mentally, it was felt that the act should have a trial, and it was not for the Court sva sponte to discard the new remedy which the Legislature had provided. A further experience of its operation discloses the difficulties of confining its use to what might have been the intention of the Legislature. We have before us at the present term another petition brought under this statute, Okapo v. Mahoe, where the defendant has been in undisturbed possession of the

premises under claim of heirship since. The Justice holding the trial ruled that the defendant was entitled to a jury under ejectment proceedings, yet in terms the statute applies. At the July term 1878, in the matter of the petition of Louis Paloma, to quiet title etc, the petitioner claimed by a right of inheritance against a respondent in possession, and holding by a title not of inheritance from the petitioner's ancestor. There were some defects in the allegations of the petition, but it might have been brought in the terms of the statute, that is to say the statute applies, but the Court held that as it was a proceeding to eject the respondent not holding as heir, he had a right by Article 7th of the Constitution to a trial by jury. In these cases the Court was not asked to declare the law unconstitutional, as it is in the present case -

If then the statute is clearly in violation of a constitutional guarantee, it is our duty to pronounce it void

and therefore the decree rendered
under it is void and is no bar to
the present proceedings.

Plea overruled.

Amitt

Chas. C. Harris
A. Francis Judd
Lawrence McCully

Honolulu
March 14th 1879.

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8. 2426

Supreme Court

January Term 1879

In the matter of the

Estate of John

Carroll, dec'd

Opinion of the Full Ct
as to admission of new
claimants.

14th March 1879

Supreme Court

January Term 1879.
~~In Probate~~

In the matter of
the Estate of
Phae. Kanaina,
deceased

14th March 1879

Before
The Full Court

Delivery of Decision.

Present: Messrs. Hartwell, Davidson,
Hatch, Holokahiki & Castle.

The Court, at 2 o'clock P.M., per
Mr. Justice McCully, delivers the opinion
of the full Court as to the admen
of the new claimants, overruling
the Plea in bar - that new claim
ants were barred by former decree -
Costs of this hearing & Summoning
Counsel are to be charged to the Estate.
Appeal noted by Mr. Davidson on

part of. Mahe & Panahoa - as per
 on the Decn of the C. J. excluding his clients
 notice given 2^d January 1879. &
 perfected -

A. Rosa
 Deputy Clerk

Supreme Court.

As of Jan'y Term 1879.

In re Estate of
 Chas. Panahoa,

deceased

Proceedings on delivery
 of decision as to admission
 of new claimants.

14th March 1879

Supreme Court. In Probate

In the matter of
the Estate of Kanaina
deceased }

Opinion of Chief Justice Harris as to the
relationship of the new claimants.

First; of Hon. Bernice Pauahi Bishop.

In the opinion of the Supreme Court filed
on the 17 of August 1878, it is stated that
the mother of the deceased was Kaauwa
and his father Oia; and that Kaauwa's
mother was Moana and her father
Nohomualani; it is true that many
witnesses give the name Palila as the father
of Kaauwa which is reasserted by this
claimant; and Makue, in her testimony,
in July at page 31, testifies that Palila
was known under the name of
Nohomualani, which he gave to his son
Kahele; and the court taking into
consideration the books of genealogy which
are submitted and which, in the lifetime
of Queen Kealana and Kanaina, were
in their possession, have determined that
Nohomualani was the person from
whom Chas Kanaina was descended as

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Wey

his grandfather I pause to say, that the genealogical books, above referred to, have throughout this investigation, had great weight with the Court, because it is certain that they were preserved by Kanaina and Queen Kalama as subjects of interest and importance to them, and appeared to have had their approval: Indeed it is testified by Manaochia^w that, on one occasion, Queen Kalama handed her one of the books to correct her impression regarding her own relationship.

Now this claimant Mrs. Bishop (the Hon. Bernice Pauahi) avers her right by two descents; first, she says, that Moana had a husband by the name of Keulu, who had a daughter by the name of Hakau; and if this be true Hakau would be aunt to the deceased Icha Kanaina, by being half sister to his mother Kaurua; then this claimant would be entitled to inherit. If this Hakau was the mother of Kao by Kanaina, the first, and Kao was the father of Luahine, and Luahine was the mother of Konia^w who in her turn was the mother of this claimant. But she likewise claims by another descent; for she says that Moana had still another husband by the name of Keawe, and that they two had Kanaina the first, which

Kanaina would be uncle to the deceased, being half brother to Keauwa his mother; that this Kanaina the first married his half sister Hakau mentioned above and had issue as above related.

Now the question is whether the claimant has proved her descent from Moana, by Heulu through Hakau, or Kanaina ^{first husband} Keawe, or by both of them. Since if she has proved her descent by either one of these, she would be entitled to one distributive share, as the descendant of one of the uncles or aunts of the deceased; if she has proved her descent from both of them, she would be entitled to two distributive shares.

It is argued, by Mr Dole, that Heulu is not mentioned at all in the former testimony, and that there was another Heulu who was the husband of Kuana (see page 3 exhibit C Genealogical Book). Now that the witnesses now before me did not testify to these forefathers although strongly cross questioned on two previous occasions, would be of great ^{importance} height if such should be actually the fact, but referring to the testimony of Makue at page 32 testimony taken in July, we find this statement. The husbands of Moana were Heulu, Kukalohe, Keawe, Palala and Palila, alias Nohomualani; so that, the person on whose

testimony, the claimant seems, mainly, to rely⁴ to prove her descent from Moana, did mention that Keulu was a husband of Moana, in an examination quite independent of this, and when the attention of the Court was being directed to entirely another point.

By the genealogical Books of Queen Kalama, we ascertain and it may be regarded as a fixed fact, that Kanaina the first had for his wife, Hakau, from whom the claimant descended, as is alleged in the particulars of her claim, so that the only question becomes to be who were the parents of Kanaina (mui) and Hakau. Some stress is laid upon the idea that Meakue is recorded to have said that the husband of Luahine the grandmother of the claimant was Hooleioku, whereas by the genealogical book, ^{he} is Kaoleioku; and Paalua is recorded to have called it Kailipu; and therefore it is argued, that they know but little about it. This point is entitled to but little weight, since it may be an error in taking down and it is impossible, almost, that this aged woman (Meakue) who had lived with these people all her life, should not ^{have} known who the husband of Luahine was, which Luahine died only a very few years ago; and as a matter of fact, the Clerk in taking down the argument of Counsel,

notwithstanding, the accentuation of this name, and its being dwelt upon as a matter of importance, writes it Kōlaioku; whereas in the genealogical tables, it is written Kōadioku, and by referring to the Clerk's original rough notes we find it that instead of writing Kōailipu, he writes it Kōadiopu. Now no one supposes that a Clerk who is writing all day long, at dictation, for many days in succession, does not make some error of letters or misapprehension of sounds.

In ^{addition to the} testimony of Moakue we find (Genealogical Books 6 page 2) that Moana cohabited with Kēaweōfala; and at the bottom of the same page we find that Moana cohabited with another person whose name ^{is} left blank. This indicates to me that she lived with some person whose name was not, at that moment known, to the writer Queen Kōalama. It may be asked how I know that the writer was Queen Kōalama. Answer, because I am very well acquainted with her handwriting, and her own name which is just preceding the name of Moana, on the second page, is without doubt, her own handwriting.

Now the books to which we are referring, are not a complete record, nor do they pretend to be as is evident by referring to page 5 at the top, where the Young family are recorded. Kōkela

Fanny (Young), married Kaea. Kamaikui (Mrs. Rooke), is put down, but her husband, Dr Rooke, is not mentioned; Keoni Ana (John Young) and his wife Alapai are not mentioned; Grace Lahilahi is put down, but her husband, Kheo, is not mentioned; Emma, the Queen, is there and it is not mentioned of ~~which~~ ^{up to which} ~~husband~~ ^{father} she is the daughter and her husband, the King, is not mentioned. Therefore, regard it as proved, that the husbands of Moana were Keulu, Keaweopala, Kukalohe, Nohomualani, I regard it likewise as proved that Keaweopala and Keawe were one and the same persons, and ~~therefore~~, that Palila and Nohomualani were one and the same persons, and therefore that the steps from which the claimants of this estate must have descended, were

Moana ^w and her	{	Keulu
husbands		Kukalohe, Keawe
		and Palila

And whoever was descended from any of these connections, is entitled to a distributive share of this Estate. Keulu, the first husband in the list, had Heakau^w by this Moana Heakau^w gave birth to Heo^w and Heo^w was Luahine's father. Again by Keawe the third in the above list Moana had Kanaina the first, who was father of Heo by Heakau, aforesaid; in other words Heakau and Kanaina though man and wife, according to the not unfrequent customs of those days, were children of the same mother. It therefore follows that Luahine the daughter of Heo, and mother of the claimant, Mrs Bishop, would represent if alive

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two distributive shares in the estate & therefore ~~this claimant~~ this claimant (Mrs Bishop) is entitled to two distributive shares.

The claim of Meale having been dismissed as well as that of Pamahoa on the testimony hitherto taken the next claim in order ^{is} that of Hannah Silikalani.

It appears from the testimony that Hannah Silikalani had a brother Kaihe who is still alive and had another brother

Kanihomauole, whose son Edward Silikalani is now living on Kauai; that

Kanihomauole was sometimes called Kuakini. Now the testimony seems to be

conclusive that Keaweahauli was the father of these 3 children. Hannah. Kaihe and Kanihomauole or Kuakini; and

Kamakau was the father of Keaweahauli.

There is one point in this testimony which does not look well. I refer to that of Kaihaaku-

lou^u who having ^{been} introduced, stated that these children were the children of Sikanaka

and the adopted children of Kamakau and that Kamakau's parents were Kaikailua^u

and Kekea^k, and that she had forgotten the parents of Kaikailua and Kekea; and

thereupon Counsel concluded that she was very sick and out of her mind, and ^{he} would

not examine her any father, but would resume her examining ^{at any} sometime when she was in

a better condition. This certainly, is not 8
calculated to create a good impression of the
validity of the claim. However the next witness
Piherui proceeds to show, that Keaweheuli
was the father of these children, and says
that Kaihe died about ten years ago, at
Kapooopo whereas the claimant herself
Hannah says that he is still alive and is
in the Palace Yard. This is immaterial
except so far as it tends to show a want
of knowledge on the part of the witness of
the actual condition of his family.

Now, this same witness goes on to state that
this Kamakau was the father of Keawe-
heuli, that Kanuha was the father of
Kamakau; and that Kukulohē, the
second in the list of Moana's husbands
was the father of Kanuha by Moana.

It is worthy of remark here that in the claim of
Levi it all seemed to the court and was
so decided that the Kanuha, who was
Deputy Governor of Hawaii under Kuakini,
was grandson of Moana. By this testimony
it would appear that Moana had a son by
the name of Kanuha; but it does not appear
to me to be improbable that she should have
a son named Kanuha, and that one of her
other sons to ^{wit} Kehele, should call his son
Kanuha.

Mr. Keaiaho is before the Court, representing
 an adverse interest, states that he ~~has~~ always
 been informed, by his parents and many other
 persons, ~~that~~ these claimants were near relatives
 of Kanaiia; and Kealaaukane testifies
 that he knew Kamakau and the mother
 of these three children, Hannah, Edward
 and Kaihe - and that Keaweheulu was
 the father of the claimants and he ~~had~~
 it from Keaweheulu, that Kanaiia the
 first was his father. It is true ~~that~~ that this
 gives a somewhat different parentage from
 that given by the claimant herself who
 says that Kamakau was the father of
 Keaweheulu and that Kameha was
 the father of Kamakau. But this is
 easily reconcilable, when it is considered in
 how indefinite a manner the Hawaiians
 were accustomed to use, and do now use
 the word "Makua". It would only be making
 one ^{brother} grandfather instead of the other.
 It therefore, appears evident to me, that the
 children of Keaweheulu viz Hannah
 Silikalani, Kaihe, and Edward Silikalani
 are entitled to one distributive share in
 this estate; and I do so adjudge.
 With regard to Ruth Keelikolani, it appears
 to me pretty clear, that Keawe No 3 of
 Moana's husbands ~~and~~ was the father of

Kanaina the first by Moana; that this Kanaina had a son Kiulaweau who was the father of Kekuanaoa and Kuanaoa was the father of Keelikolani. This would entitle her to one distributive share.

I adopt the testimony taken before Mr. Justice McLully and reiterated and supplemented before the full court and the conclusions arrived at in the former proceedings in this case, and do adjudge that L. Kaalelea^K, Kahuakaiole^K and A. W. Kaalilio^K are entitled to one distributive share; that Pahan^W is entitled to one distributive share; that Kaana^K is entitled to one distributive share; that the heirs of Keelinahe^K are entitled to one distributive share.

Ames

Chas. C. Harris, C.J.

Honolulu

March 14th 1879.

Opinion of the Full Court.

(Begin, "The question in its simplest form.")

Supreme Court

In Probate

In the matter of
the Estate of
Chas. Kanaina,
deceased

14th March 1879.

Before
Chief Justice Harris

At Chambers

Present: Messrs. Castle & Hatch,

Hartwell, Davidson, Bickerton
Holokahiki & Dr. Smith.

Chief Justice Harris, this morning
delivered his decision as to the
relationship of the new claimants
Mrs. Bernice P. Bishop and others
finding as follows: That —

Mrs. Bernice P. Bishop is entitled
to Two distributive shares —

H. H. Ruth Keelikalani to one dis-
tributive share;

Hannah Lilikalani & ^{sister (s)} brother & nephew
Edward

to One distributive share;

Pamahoa & Maale ~~have~~ dismissed

Haalilio & brothers to one distributive share -

Kilinakei heirs to one distributive share -

Pahau to one distributive share. &

Kaawa to one distributive share.

Mr. Davidson on the part of
Pamahoa states that he will carry
his appeal to the Jury as voted
on the 28th Decr 1878 & 2^d Jan'y
last at the next term of the
Supreme Court.

A. Ross
Deputy Clerk

Supreme Court

In Probate

In the matter of the
Estate of

Chas. Lawrence

deceased

Proceedings on delivery
of decision as to
relationship of new
claimants.

14th St. March 1899.

Supreme Court.

April Term 1879
In Probate

In the matter of } 7th April 1879
the Estate of } Before
C. Kanania, dec'd } Chief Justice Harris.

Mr. Davidson asks for a ruling of the Court as to using the testimony taken formerly before a jury at this term - stating his intention is to facilitate the trial.

Mr. Preston on the part of the ~~co-his~~ other parties & himself states that he has ^{no} objection to make.

Therefor - It is agreed that the testimony taken in this matter at former trials thereof may be used in trials ^{of this matter} before the jury.

Question was raised as to before what jury this matter should be

tried. Mr. Preston asks for a mixed jury claiming that Mr. Bishop is a foreigner & is entitled to a share of his wife's interest in this estate. Mr. Davidson claimed a native jury, claiming that Mrs. Bishop is only a collateral heir. That Pannah's claim was put in before Mrs. Bishop was recognized ^{as} heir.

The Court rules that the issue in this matter be tried before a full native jury.

The ^{Court} further ruled that the Chief Justice will preside at the trial of this issue herein. Court referred to article 72 of the Constitution.

A. Roca
Deputy Clerk

Supreme Court
April Term 1879

~~In Probate~~

In the matter of
the Estate of
Chas. H. Homan

decree

Proceedings

7th April 1879.

In The Supreme Court Hawaiian Islands

Estate of Charles Kanama }
vs }
The & Public Administration }

Pannahoa w being duly sworn under oath says
That she is a claimant of record for a share of
The Estate of The late Charles Kanama which she
claims by virtue of The Statutes of descent of
of property of This Kingdom and that The amount
of The Estate of The said Charles Kanama and
The interest thereon claimed by appellant is of
a value exceeding \$500 and that her claim as share
in said Estate was rejected by His Honor
Chief Justice Hannes sitting in Probate Court
which decision appellant appeals to the
Supreme Court and for a trial by Jury

Subscribed and sworn to before me?

This 8th day of April 1879

A. Roe
Deputy Clerk

Pannahoa

from Charles Pannahoa

By her attorney L. Davidson and moves The Court The facts
set forth in the above affidavit being considered that
The issue of fact as to the validity of appellants claim
and more especially as to whether Kanu Kolia was
a sister of Kanwa the mother of Kanama

May by Trust by a jang

Pamahua by
DuDavidson Huratt

8. 24. 26

Superior Bank

Capital of

Charles Kemmerer

The First National Bank

Medium of payment to
of Kansas

with substance
city

Filed 8th April 1879.

A. S. Jones
Deputy Clerk

139
Simpson Smith

Q. 2426

Shutty

These names

the rank

administration

off back extension
of works in

Madison
city

Filed 8th April 1899.

A. D. Cook

Dep: Mr

John Lapierre Cash
of the 4th Jan 1879.

Heat it. It appeared the 31st day of December 1864,
does not authorize the heat of pig in a can like the one
now before the Court

W. C. Jones

Handwritten signature: *Handwritten signature*

Confidential - 2436

Mr. H. H. Lawrence

Notice to my family had

Shall be sent 1899
Smith & Company

Supreme Court
of the Hawaiian Islands.

April Term 1849.

In re Estate of
Chas. Kanaia
Appeal of Pauohou &
Maile

To the Honorable Charles C. Harris,
Chief Justice of the Supreme Court:

And now comes Charles R. Bishop,
Husband of the Hon. Bernice Pauahi
Bishop, to whom two shares of the estate
of said Charles Kanaia have been
decreed, and moves leave of the Court
to appear as a party ^{constant} ~~defendant~~ to
said appeal of Pauohou and Maile

Charles R. Bishop

by his atty.

Wm. H. Hatch.

D. 2426

Supreme Court

April Term 1879

Att. of John Chenoweth
Appeal of Tawitaw
and Maude.

Motion of John W.
Bridgman to appear as
party atty.

Leave stated
attly.

Filed 10 Oct 1879

John E. Cannon

clerk

Supreme Court
of the Hawaiian Islands.

April Term 1899.

In re Estate of Chas. Kanaia
Appeals of Panohoa and
Maie.

Motion for mixed jury.

To the Honorable Charles C. Harris,
Chief Justice of the Supreme Court.

And now come the Hon. Bernice
Panahi Bishop and Charles N. Bishop
her husband, ^{contendants,} ~~defendants~~ against said
appellants, and to whom shares in
the estate of said Chas. Kanaia have
been decreed, and move the Court that
a mixed jury be empanelled to
hear said appeals.

Bernice Panahi Bishop
Charles N. Bishop

by their attys.
Cottle & Hatch.

8-24-26

DePue's Court

April 1899

Att. Gen. Hancock

Appeals of Hancock

and Mills.

Motion for New Jury

Leah's Estate

attys.

Filed 10 April 1899

Wm. E. Hancock
H. E. Mills

The Issue

The claimants say

That Kama the mother of Charles Kamauna

(1) had a sister named Kane Kolia

(2) who had a daughter named Na Koolani ohoka

(3) who had a daughter named Kaupai

(4) who was the mother of Pamaho & Maele claimants

J. Davidson

att. for Claimants

Ke olelo nei na mea hoopi'i he
Kai Kaina ko Kama ka makuahine
o Kaina o Kane Kolia kona inoa
a he ka Kamaahine kona o Na Koolani
ohoka a he ka Kamaahine kona o
Kaupai ka inoa a oia ka makuahine
Pamaho a me Maele na
mea hoopi'i.

Co. 8. 2426
Superior Court

In the matter of the
Estate of Robert
Barnard dec'd

Heirs of Robert
& Heirs

the same

Filed 10 April 1879
J. M. B. Barnard
Clerk

Aliiolani Hale Aperila 10 1879

O makou na Jure nona na Inoa
malalo iho nei ke Nooholo nei makou
o Kanakolia ke Kaikamahine a Moano
a Kaitaina o Kauwa ka Makuahine
o C. Kanaina

W. Aug

W. H. Kailipulapula
J. Anahie
D. Manaku
Kamohi
J. Kihia
H. Kailian
Chas Bent
J. W. Moanani
Wm H. Tell
P. D. Kell
Potapota

Superior Court

2426

In the matter of
the Estate of Charles
Harmon, deceased.

Deed of the City

Harmon's claim

10 April 1899

Supreme Court of the Hawaiian Islands

April

TERM, A. D. 1879

Honolulu, 10th April 1879.

In the matter of the
Estate of Charles
Kanamoa, ^{vs.}
deceased.

Before

Chief Justice Harris
by Hon. S. McCully J.

Appeal from the decision of Chief
Justice Harris on claim of Pannahoa (w)
J. M. Davidson for Appellant

Castle & Hatch, C. Brown & others for the
Contestants.

The Chief Justice reads and files
certain remarks as follows:

995¹ It is suggested by counsel
that the Chief Justice may not sit alone
in this case because he has given a
judgment previously and the 7th Article
of the Constitution is cited which reads
"No Judge or Magistrate can sit alone
on appeal or new trial in any case on
which he may have given a previous
judgment."

The answer to the objection would

be that the Judge does not sit alone in this case within the meaning of this article of the Constitution.

This is an appeal from the Judge's finding on the facts to a Jury who will form their own conclusion of facts from the evidence.

The 9th Article of the Constitution is meant to guard against such cases as this where the Magistrate has decided a case and an appeal has been taken, for instance, to the Circuit Judge, and in the mean time the same Magistrate has been appointed to be Circuit Judge or when a case has been tried by a Circuit Judge and appealed to a Justice of the Supreme Court or a new trial held before a Justice of the Supreme Court on the same state of facts, and in the mean time the Circuit Judge has been promoted to be Justice of the Supreme Court. - In any of these cases the Justice would be disenabled from sitting alone that is to say without the aid of a Jury. - a literal construction of this section such as it is, contended for would disenable a Judge from rehearing a case in which

3

he had granted a new trial for good reason. However, in as much as the settlement of this Estate has been so greatly prolonged and will be unavoidably much further prolonged I invited my brother McCully to sit with me in order to avoid appeals or discussion on this point and he has consented to sit with me. But this course is taken without any intention of making it a precedent for any future cases.

Col. Jones for the Contestants objects to the trial by Jury, on the ground that the Act approved 31 Dec. 1864, does not authorize the trial by Jury in a case like the one now before the Court.

997 That the act authorizes the trial by Jury in cases wherein the validity of any will or testamentary devise is concerned or facts touching the descent of property under the same

The Court overrules the motion.

W^h Hatch moves that Charles R. Bishop husband of Bernice Pauahi Bishop be allowed to appear as a party contestant to the claims of Pamahoa & estate.

Motion granted

W^h Hatch also renews the motion which was denied on the 7th instant, for a Mixed Jury in this case.

Motion denied.

W^h Hatch accepts to the ruling.

The following Jurors are then drawn to try this cause.

J. Nailipulapula	J. Anahie
S. Kuhia	L. O. Manaku
J. W. Moanauli	W. H. Tull
L. P. Kelleth	J. Kanahelo
Polapola	John Bent
Kailiana	W. Auld

5.

There being no objection offered to the above
Jurors they are duly sworn to try this cause.

W. Davidson opens the case to the
Jury, and the evidence is read to the jury
of 'Pahua (p 166) and Hamale (w)
p. 182. ~~Taking~~ in the former hearing,

Manini, sworn, says:

I was born at the
time of the great Okuu (in 1804) I knew
Moana - and Palina - They lived
together as man & wife & had children
one named Kawaa (w) and Kanukolia (w)
Kawaa was the mother of Kanaina -
Moana died 2 years, when Palina died
I knew them intimately, Kanukolia's husband
999 was Kawaa-holeole - they had children
Their first child was Nakoolaniokaka (w)
the next Kualaukia (K), the next was

6 Kahaniokalani (K) - They are all
dead, but they have descendants living -
Nakoolaniakaka lived with Sonoea.

They had children, the first was Kaupai (W)
the next was Kahonu (K) the next was
Kaeokamahu - The next was Kukahika (K)
the next Kamakamohaha (K) that is all.

They are all alive except Kaupai (W)
her husband was Kamaihi (W). They
had children, the first Pamahoa (W)
(claimant) - the next was Maile (W)
(claimant). the next Kanikolia. The
two ladies present are Pamahoa (W) &
Maile (W). Nakoolaniakaka raised
her family at Napoopoo.

The court at 12 o'clock took a recess
until 1 P.M. & at 1 P.M. the court
resumed.

1020

Examination of Manini resumed.

All those children lived and died
at Napoopoo - Kaupai lived & died at
Napoopoo - The Kanaina I mention is
the father of Lunalilo.

X By W^r Jones.

I am no blood relative
to these claimants - When Kauwa died her
sister was Hanehonia and was called
Kauwanakapaa. - I don't know that
Moana & Palua had a daughter of the
name of Kalimauakawaka. - Kauwa
the mother of Kanaina died before Kaianoa
I think about a year before. I believe that
Hamehameka 1st died before she did.
Hanehonia died sometime after Kaianoa.
a year had elapsed, or more any how.

X By W^r Lenth

8

Moana was a much older person than I am. I think I am older than Kanaina was, but we may have been about alike. I testified on behalf of Kukahiku on a former hearing. I don't remember going to Mr. Brown's office to tell my story. I never told Mr. Cecil Brown that Moana was a man. I did not tell Mr. Brown that Palina was a woman. I did not tell Mr. Brown that these claimants were descendants of Moana and Palina. I never went to Mr. Brown's office at all. I did not go there with Kukahiku.

Kahonu (K), sworn, says.

1502 I am a son of Nahoalani shaka. I knew Kauwa & her sister Kanekolia at Napoopoo. I know that

9.
they were sisters from living there & my
mother told me so. I was generally
known about there that they were sisters.
Kamukolia was living with a man named
Kauaaholehole, they had children. The
first was Nakoolaniwahaka. These
people are all dead. The first one had
children, her husband's name was.
Sonowale & the children were born at
Napoopoo. They were the same as
mentioned by the other witnesses. Kaupai
is dead leaving these claimants.

X By Col. E. Jones;

I was a small
boy when I first saw Kamukolia & Kaua
I was old enough to go arounds. - I think
he was born just before or just after
Kamehameha Ist's death. Don't know when

Kauwa died. I don't remember when
 Kanehohia died. I was there at their death
 however. I was not large enough to
 remember when Kauwa died. I remember
 when the Missionaries came here. I was a
 big boy then. I was large enough to go
 round. I was living at Napoopoo.
 Kanehohia was alive when the Missionaries
 came & Kauwa was dead, Kauwa may
 have died a year before.

X By Mr. Brown;

1004 It was not long before
 the Missionaries came. Her husband was
 Kawaholehole. She lost her eye before
 Kauwa died. - She did not live any where
 else than Napoopoo.

Re direct - It was the first lot.

11.

of Missionaries that arrived at Kailua. —
I was about as high as the rail of the
witness stand. I could paddle a canoe
to Kaweloa. — At that time there was
no cloth here except Kapa. — I am not sure
whether Kauwa died before Kamehameha
1st. She was a very old woman.

Ua, sworn, says:

I am in my 79th year. — I
knew Moana & a husband of hers called
Palina. — Moana died first. — They had
children Kauwa & Kamekolio. — Kauwa's
husband was Eia & the children (the same
as stated before) Kamekolio's husband
and children were the same as stated
by the first witness. The oldest daughter
lived with Sonaia and had, as before
related. — Kaupai married Maikui

of their children are these claimants Pamakoa
 of Maile - I was about 12 years old when
 Moana died - I know I can remember
 Kamehameha Ist. I know those people

X By Col. Jones:

I don't know of any other
 children of Kauwa & Palina^{or} of Kauwa
 having any by a former marriage

X By Mr. Castle:

I was born at the time
 of the O'ahu, but was too small to remember
 anything about it. - Kauwa died just before
 Kamehameha Ist. Moana died first -
 Kauwa afterwards.

1006
 X By Mr. Brown:

I was quite large when Kauwa
 died. - Moana died first. - Kauwa died

13.

quite long before. Kamikameha Ist was
dead at the time. Kauwa died 2 or 3
years after Kamikameha Ist died. Remember
the Missionaries coming - Kamukolia died
after they came, her husband survived her.
After Kauwa died, her daughter was called
Kapamakapa -
Kauwa The old man who threw the stone
is now at Hawaii - She was blinded ~~before~~
after her sister Kauwa died.

Appellant rests.

Mr. Jones gets the Interpreter to read the
evidence of Auwa to the Jury, also that of
Peka, Kuku, Manana, Hohuli,
Hilimahi, ~~Qina~~ Aina & Alenoko

Cecil Brown, sworn, says:

Marini made a statement
to me about Moana & Palina - I made
a memorandum of it. - I recollect what he

said - He came with Kukahiku, Maali
 & Paheha. - Kukahiku wanted me to take
 his case, & I said I could not I was engaged
 already. I asked Manini who Moana was, &
 he said he was a man and Palina a
 woman. - I told him he was wrong.

X By Mr. Davidson,

My memory sometimes fails me
 in smaller things. - I recollect that I borrowed
 a dollar of you, & forgot that it had been
 paid until you reminded me of it.

By Col. Jones;

Kekukiku was present when
 Manini came. - Mr. Jones puts in

1508

Books of the genealogy, A & B.
 pp 2 & 54. of C. & Book A page 3.

Mr Jones calls;

Paalua, sworn, says:

I do not know the relationship between Kanaina & the claimants. I never heard him say the claimants were not related to him. - I once heard him say Kukahiku was not related to him, it was when he was angry with him. - Kanaina said his mother was not related to Kukahiku.

Cross examination declined.

Pahau, sworn, says:

I heard a conversation between Kanaina & Kukahiku. The cause of it was, that Kukahiku left his Kahili when he was weiling. Kanaina heard of it & was angry, & the next day he went for him & told him to give up the clothes that he had given him. He said, what is your relationship to me? you are not related to me

1529

Kukahiku replied he was related to him,
Kanamā said, how? you are not related
to me.

Aleraho, sworn, says.

I knew Kauwa, knew her
father & mother — Kauwa had sisters — Did
not know any person named Kanekolia —
I was born near Napoohoo — I am so old
that I am exempt from taxes.

X By W^m Davidson.

I came to your office
this morning and wanted to testify — I
said I would testify as I did before — I told
you I did not Palina but did not
know Kauwa

The Interpreter reads the witness of
Kukahiku —

17
Mr. Castle wishes to read to the Jury
Kukahuku's claim in which is included
the claim of Pamahoa & Maale.

The Court said it had never been
signed by the Claimants & that they had
testified that they never authorized Holokahiki
to sign the claim for them & therefore ruled
it out. Holokahiki had also filed an
affidavit to that effect.

Papaika, sworn, says:

10 11
I knew Kanaina & Kalama
& all those people. Kanaina's mother had
no sister. Never heard of Kanikolia.
I heard of Kawamakaapa tho' I never saw
her. I heard she was the older sister
of Kanikolia. Kawamakaapa and
Kauwaa mother of Kanaina were two
different persons. I heard so.

X By W^m Davidson;

All I know is just what I have heard the Chiefs say. Hauwamakapa was not the same person as Hauwa. Hauwamakapa was called so because some person threw a stone at her eye.

Contestants rest & Col^t Jones goes to the jury for them all

W^m Davidson files the Issue in the case as follows;

"That Hauwa, the mother of Charles Kanaina had a sister named Kanakolia, who had a daughter named Nakoolaniokaka, who had a daughter named Kaipai who was the mother of Pomahoa and Maale the claimants.

W^m Davidson goes to the jury

19.
At 1/2 past 5 A.M. the Court charges
the Jury who at 6. P. retire to consider
of their verdict in the custody of an officer
duly sworn to take charge of them, & at
7 A.M. they return unto Court with the
following Verdict namely; "We the
undersigned Jurors do decide that
Kaukelia is the daughter of Moana,
and younger sister of Kauwa the mother
of Chas. Kanama deceased

M. E. Barnard
Clerk

145

[illegible]

718.

2/1/20

PROCEEDINGS

Paraphrase

April 10 A. D. 1879

Clerk:

10 14

J. D. Kanani,

In the Supreme Court
of the April Term 1899.
Appeal from

The Circuit Court in the cause of W. C. Jones, then attorney
have decreed to award the judgment to the following court:

That the judgment award case was not authorized by law.

That the Statute of 1874, adding a pig in Probate
cases, has reference only to wills and testamentary devises and to
questions arising and others, and not as to questions of heirship
relating to the division or distribution of estates.

W. C. Jones

Attorney for contestants

R. K. Kolani and
H. L. Kolani.

45

O. 2426

W. H. H.

Seaman

House and Farm

Station in arrest of
Judgment

1

April 12, 1899

Mr. E. B. Barnard

Robert

1878 Supreme Court

In the matter of the
Estate of
Charles Kanawia, dec'd. } 2nd
Bill of Costs

July 22 nd	Hearings on appeal from decisions of Justice Mr. Cully 22 nd 23 rd 24 th and 25 th July, before the Full Court	\$	20 00
	Sweeping witnesses (20)		2 00
	Recording testimony fo. 42.		18 00
	Filing decision of the Court,		25
	Entering Judgment		1 00

In Probate

Sept 28	Filing claim of Pauahi Bishop		25
"	" " " W. H. Silikalani		25
"	" " " Hana Silikalani		25
"	" " " Ruth Silikalani		25
Dec. 4 th	" " " Pamahoa (w)		25
"	" " Affidavits in support of do		25
9	Issuing Subpoena for witnesses for Pamahoa's claim		1 00
	Marshal's service		50
Paid by Jm. Davidson	Witnesses fees, paid by Mr. Davidson Issuing Subpoena for travelling expenses for witnesses on		21 00
Paid by S. B. Noble	claim of Waahia & others } Marshal's service		1 00 50
1017	Forward		66 75

1848	Amount brought forward	66 75
	Marshals Horse hire	1 00
	Filing claim of His Majesty Kalakaua as Grantee of Kama Silikalani	25
Dec. 24 th	Filing Demurrer of J. Stott Smith Guardian of Kama, to my new claims	25
"	Filing amended claim of Kulekolani	25
" 24 th	" Affidavit of Koloahiki regarding his being retained by Pamahoa,	25
" 31	" Notice of Appeal and Bond	25
1849 "	" Claim of Maile	25
Jan'y 2 nd	Hearings on 19 th 24 th 27 th & 28 th Dec and 2 nd January	5 00
"	Swearing Witnesses (16)	1 60
"	Recording proceedings fo. 62	15 50
"	Entering Judgment	1 00
	Filing Motion to dismiss claim of Pauahi	25

January Term A.D. 1849

Entering Appeal on Calendar, from
the decision of Harris Chief Justice
sitting in Probate as to the admission of
Mrs. Bishop & others as claimants & dis-
missing the claims of Pamahoa & Maile

1 00
93 60

1849.

January	Amount brought forward	\$ 93 60
9 th	Hearing before full Court	5 00
	Entering Judgment as to the admission of Claimants Pamahoa & Maule	1 00
11 th	Filing Notices of Appeal of Pamahoa & Maule	50
"	Bonds	50
"	Briefs (4)	1 00
	Hearing on the question as to whether the evidence already taken may be used on the Trial of the claims of Pamahoa & Maule	5 00
April 8 th	Filing Affidavits & Motion of Pamahoa	25
	" " " " Maule	25
10 th	Entering Appeal of Pamahoa & Maule on Calendar	1 00
	Oswearing & swearing Jury	1 00
	Filing Motion of W. C. Jones to reject Jury Trial	25
	" " " Mr Hatch that C. R. Bishop be entered as a Contestant to the claims of Pamahoa & Maule	25
	Filing Motion of Mr. Hatch for a mixed Jury	25
10 th	" the Issue to be tried & claim of Pamahoa & Maule by Mr. Davidson	25
	Recording proceedings fo. 21.	5 25
	Swearing Officer	10
	" Witnesses (4)	40
	Forward	\$ 116 15

Amount brought forward	\$	116	15
Recurring and entering Verdict		1	00
Paid Jurors		18	00
Entering Judgment		1	00
Filing Motion in arrest of Judgment			25
Taking Costs		1	00
		<u>134</u>	<u>40</u>

Received of O. W. Fyfe
this 31st May 1879.

Jno. G. Barroncl
Clerk Supreme Court.

8-2426
Supreme Court

In the matter of
the Estate of
Charles Harmer
deceased.

2nd Bill of Costs

134.40

May 11, 1879

In Re,

Estate of Charles Kanania, deceased

With Supreme Court of the Hawaiian Islands.

In Probate

Before, The Hon. C. C. Harris, Chief Justice
at Chambers.

To the Honorable Charles C. Harris, Chief Justice of the Supreme Court,
at Chambers.

The undersigned Kahonu, K, and Kaka-hiko, K, respectfully represent
that they claim each a distribution share in the estate of the late Charles
Kanania deceased, as heirs at law, according to the following pedigree:

Palila, or Nohomualani, K, took Moana, W,

and had issue, Kanuwa, W,

Kaneikolia, W,

Kaneikolia, W, took Kawaa-hoele, K,

and had issue, Kakaolaniokahu, W,

Kualaukia, K,

Kahannuikoleni, K,

Kakaolaniokahu, took Linoaea, K,

and had issue Kaupai, W,

Kahonu, K, one of these claimants.

Kaka-hiko, K, one of these claimants.

~~Kaka-hiko, K,~~

Kamukamohole, K,

Kaupai, W, took Maehui, K,

and had issue Pamahua, W, Kaneikolia, W,

Maehui, W, } who were found the heirs

of C. Kanania, by the verdict of a jury at the last April Term of this Court.

Kahonu, K,

Kaka-hiko, K,

By W. C. Jones, their attorney.

8-2426

Mr. H. O. O.

County Clerk, Kansas, Kans.

(11)

County of Johnson, Mo.

(11)

W. H. H. H. H. H.

Filed 3rd June 1879.

A. C. Case

Deputy Clerk

10-2-01

In Re,

Estate of Charles Kanani, deceased

In the Supreme Court of the Hawaiian Islands.

In Probate.

Before the Hon. C. C. Harris, Chief Justice

At Chambers.

To the Honorable Charles C. Harris, Chief Justice of the Supreme Court

The undersigned Kuhaupio, K and Keawe Kame W, respectfully represent that they claim a distributive share in the estate of the late Charles Kanani deceased, as heirs at law, being descendants of Liholiho W the brother of Eia, the father of Charles Kanani, deceased, according to the following pedigree:

Liholiho W, Sisting Eia, with Oili, K.

and had issue, Kamaheue, K,

Eia W

Kamaheue, K with Kahiko W

and had issue Keawe K

Keawe K with Keane W

and had issue Jeremiah,

Jeremiah K with Miliama W

and had issue Kuhaupio K, and Keawe Kame W, the present

claimants.

Kuhaupio and

Keawe Kame, W

By N. C. Jones their attorney.

O. 24 26

W. Del. Charles Clemens, Jr.
179

Claim of the Republic, N.
and
Kearns & Co. N.
—

Filed 30 June 1879.

C. C. Dea
Deputy Clerk

1024

Supreme Court.In Probate

Estate of Charles
Kana'ina,
deceased

Bill of Costs.

1877		
Mch.	Filing Petition & swearing	.50
	Order of Notice of Hearing	1.00
	Advertizing	2.00
	Order of Temporary Administration	2.00
	Stamp	1.00
	Hearing	2.00
	Swearing Witness	10
	Recording proceedings fo. 8	2.00
	Filing Affidavit of Publication	.25
	Swearing same	.25
	Advertizing in English & Hawaiian	4.00
April 7	Letters of Administration granted	2.00
	Filing various claimant papers (2)	2.25
1878	" Inventory	.25
Feb'y	Petition for Sale of Real Estate & order &c (Waikakalulu)	10.00
	Blanks	1.00
	Fixing costs	1.00
		<u>\$ 31.60</u>
1878	Petition for Sale of Real Estate Kalihi, Ewa &c	10.00
		<u>\$ 41.60</u>

Brought over:

\$ 41. 60

Petition for Settlement of }
final account

12. 00

\$ 53. 60

Per deposit March 17/9

15. 00

\$ 38. 60

Recd of L. K. Hyde on the
22 June 1899

Jno. E. Barnard
Clerk

1026

8-2426

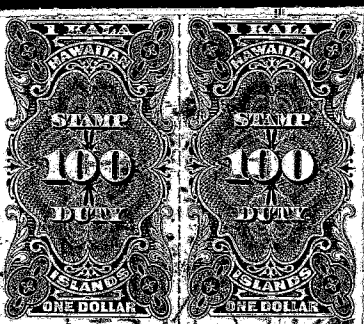
Supreme Court
by Probate

In the matter of
The Estate of
Charles Edmund
deceased

Will of Goods

22 June 1879

10-27



Aha Kīkīe o ko Hawai'i Pa Aina
Ma ka Hooponopono Waiwai

Ma ka Waiwai
Ka Mea Kīkīe
Charles. Kana'ina K
o Honolulu Oahu i
make Kana'oha ole

} He hoike ana i ka
pili o Luisa Kekū
pūohi (w) i Charles
Kana'ina K, i make
Ji o'i a, i na pili Kōke
— a pau. —

Inua o ka Mea Kana'oha Charles C.
Harris, ka Lunakana waiwai Kūi o ka
Aha Kīkīe.

Ma ka Hooponopono Waiwai Kōkīe

Oahu Is. He hoike ana i ka mea
mōwa ka inoa malalo, no Luisa,
Kekūpūohi (w) ka mea i pili i Charles
Kana'ina K, o Honolulu Oahu i make,
ma ke ano he hoike ana, ma ke Kōke, a
ma ka waiwai a pau loa, i like me
ka mookūmāhau, i hoike ana; a he hoike
ana i ka mea, pūohi.

Ata Kī Kōhomūalani w. Kana'ina
Kekūohi K,
Kana'ina (w),

Keholo (K, ia Pipii (w, Kanau

" { Kanuka (K,
" { Kawalu (w)
" { Kukupilo (w)

mau mahor
Tura

Kanuka (K, Aialou (w, Kanau

Kapahukula (K,

Aia Kawalu (w,

Kawalu (w, Mahi (K, Kanau,

Kalaualala (K,

Kahamui (K,

Kipa (w,

Haalilio (K,

Kawalu (w,

Kukupilo (w, Holokulani (K, Kanau

Kamaua (w,

Kamaua (w, ia Kale Hale (K, Kanau

He mau { Kamaua (w)
mahor { Luisa Kekupilo (w)

O Kia na Kiki, a me na masopu, a
Keholo (K, a me Pipii (w, Ake Kiki
ni o Luisa Kekupilo (w) e ola nei, he
hoailina oia no Kia poe a paue i ka
mate, i haikua maluna.

Holaita na masopu o Kamaua, oia
he Kiki o pini pini o Keholo (K, na Kiki
pini a Haki, me Hohomalani (w)
ka makuahine pini o Charles Kanana,
K, ka mea mate i oleia, a pini kona

Kua auhau ana, ma Kona Road,
Kauwa (w) ia Eia K, Kana o

Kaa K,

J. w

C. Kanaia K,

Kahelo (w)

(Eia)

O Kua iholo na Keiki a Kauwa (w) a m
Eia K, a o na moopuna, a me na Keiki
a Kauwa (w), Kaitualine o Kiholo K,
ma pau lwa laka i ka maki, a Koo
wale no o Luisa Kekupuhi (w) ka mo-
puna pono a Kiholo K, Kaitumane
pono o Kauwa (w) na Keiki pono a
Haki K, a me Hohomualani (w). Oia ke
Kuliana moopopo o ko Luisa Kekupu-
hi (w), Koi ana i ka pili ma ka Kana
ana,

Ake hiki hou aku nei o Luisa Kekupuhi
(w) ua lawe o Charles Kanaia K, i Kikahi
mau aia o ko mau ma Kaitualine ma
Puna Hawaii oia o Kula. Keahi ala ka
a me Kapahe, ma Kana lawe ana i
i Kaitumane nana, mamea o ka
lwa ana o Lunalilo, ke Keiki pono a
Charles. Kanaia, pila makou i neli ai
i ka aia pono i Kua wa, no ka
pau i ka Kanaia o Charles Kanaia.

Holaila, Ke Kūi a Ku nei o Luisa Kekū
 puohi (w), ma ka waiwai a pau o Charles
 Kaniina, i lilo nōna, a nōna mau loa
 i like me Kōna pili ana.

H. A. Kahana

Hanaia, Ka Kaniinaia, a
 hoolikua i mua oū i Kua
 ka 1^o o Novemba A. D. 1899.

J. W. E. Barnard
 Clerk

Supreme Court
 In Probate
 8.2426

In the matter of the
 Estate of Charles Kane
 - waile, late of Honolulu
 Lulu Oahu deceased.

Filed by
 H. A. Kahana
 E. B. Kalaau Kane
 Attorney at Law
 Filed 1 Nov. 1899
 J. W. E. Barnard
 Clerk

- 1 Lot in Manoa 14 Acres
- 2 " " Kaimoepo Honolulu
- 3 " " Kapamao "
- 4 " " Aiea " Doubtful
- 5 " " Kahaulana Kaliki
- 6 " " Kaimu " 26 Acres
- 7 " " Leahua " 65 $\frac{4}{100}$
- 8 Ahup of Makipu Koolau Being surveyed
- 9 Ahup of Pelekunu Molokai (One half)
- 10 1 Lot in " " 14 Acres & 844 fathoms
- 11 1 Lot in Paohi Kahaina, 1 acre, 1 hood 12 perches
- 12 1 " " Koaiaiku " 19 perches
- 13 1 " " Kukulileo " 1 Acre 15 hoods
- 14 1 " " " " 2 hoods
- 15 Ahup of Iikunehame
- 16 1 Lot in Kelewea " 5 " 3 perches
- 17 2 " " Kapuho Waichu 2.58/ Acres
- 18 Ili of Kaohu Kailuku 118 $\frac{62}{100}$ "
- 19 " " Manama " 8 $\frac{5}{100}$ "
- 20 " " Emuku " 3 $\frac{98}{100}$ "
- 21 " " Puhiaawa " 2 $\frac{54}{100}$ "
- 22 " " Puuohala "
- 23 2 Poalima patches "
- 24 Ili of Alae in Kipsahulu

- 25 Ahup of Kaipio Hawaii
- 26 " " Kula " Kona
- 27 " " Kapoho "
- 28 " " Kalamakumu Kona
- 29 " " Kaulana "
- 30 " " Anachoomau S. Kohala
- 31 " " Kolahupuaa "
- 32 1 Lot in Kaipio
- 33 Ahup o Kapaolala Kona

There are 2 pieces of land in Kamapali
 Lahaina 1 " in Kaulana Kona Hawaii
 and 1 piece in Kamalei Kauai which get
 title as residuary legate of S. Kaula

Supreme Court
Hawaiian Islands
In Probate

In the matter of
the Estate of
Chas Kamanā
deceased

} Petition to sell real Estate and
divide proceeds among the heirs
of said Chas Kamanā,

To the Hon. Chas. F. Harris,
Chief Justice of the Supreme Court

The petition of William Parker respectfully represents
say your Honor that on or about the Fifth day of April
1877 he was duly appointed administrator of the
estate of the said Chas Kamanā, and that he
duly qualified as such Administrator as by law pre-
scribed, and in pursuance to the order of this Hon-
orable Court, that all of the debts of the said Estate
have been duly paid and satisfied, that there remains
belonging to the said estate, and under the control of
your petitioner, real estate situate and lying upon
the several Islands of Hawaii, Maui, Molokai,
Oahu and Kauai, as appears by the Inventory her-
in filed and forming a part of this petition, that
there have been deeded as heirs at law of the said
Kamanā Liliokalani, Edward Liliokalani, Nairiki (K.)
Chas Kamanā, the following persons, Samahoa (W)
W. Kaulihō (W) L. Kaulihō (W) Kaulihō (W) Kaulihō (W)

1034
a.p.

1055
Kaua^u Heirs of Kili^uake, deceased, K. H. P. Ke-
le^uke^u, and His Prince Pauahi Bishop, that
as your petitioner is informed and believes true, the
said heirs are unable to agree to a division of said
Estate, and that a majority of the said heirs are desirous
that the balance of the real estate remaining and belong-
ing to the said Chas Kamea^u may be sold at public
auction and the proceeds thereof distributed among the
heirs at law of the said Chas Kamea^u, therefore your
petitioner prays that an order may be made directing
him, the said Administrator to sell at public Auction
all and singular the real estate now remaining and
belonging to the estate of the said Chas Kamea^u
and that the proceeds thereof be deposited with His
Honorable Court and be divided among Kamea^u
A. M. Kauli^u K. Kaula^u Kahuaka^u Peha^u,
Kaua^u Heirs of Kili^uake, deceased, K. H. P. Kele-
ke^u and His Prince Pauahi Bishop, the heirs
at law of the said Chas Kamea^u, according to their
respective shares or interests. And your petitioner
further prays that notice of this application may be
published in the English and Hawaiian Languages
in the Commercial Advertiser and Kuo^uroa, two news-
papers published in Honolulu, calling upon all persons
interested to appear and show cause why the prayer
of this petitioner should not be granted. And your
petitioner further prays for all other and further or-
ders in the premises as may be necessary and proper
for the sale and distribution of the said estate as

to His Honorable Court may seem fit in the
premises,

M D

to this Honorable Court may see fit in the
premises,

H. Park.

Administrator

Subscribed and sworn
to before me this 4th
day of December 1879

M. E. Barnard
Clerk

1 8 2426
Documents with
Mr. Harrison's
No. 2426

Indorsement of the
Estate of

Charles Stanward
Decedent

Relating to the
Real Estate and ad-
justments of the same
and the same all have
been Charles Stanward

Wm. H. H. H. H.
14 10 202

Wm. H. H. H. H.
14 10 202

Wm. H. H. H. H.
14 10 202